E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
3/17/2025 5:07 PM

In the

Appellate Court of Maryland

No. ACM-REG-1325-2024

September Term, 2024

JUSTIN KYLE HOLDER

Appellant,

v.

WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS, ET AL.,

Appellees.

Appeal from the Circuit Court for Washington County, Maryland
(Hon. Judge Richard E. Jordan)

RECORD EXTRACT – VOLUME 6

Jacob I. Weddle, Esq.
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Record Extract
ACM-REG-1325-2024
Sept. Term 2024; No. 1325

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Docket: 3/15/2021 3:00 PM; Submission: 3/15/2021 3:00 PM

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JUSTIN KYLE HOLDER
308 West Chapline Street
Sharpsburg, Maryland 21782

Plaintiff

v.

WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS
100 West Washington Street
Hagerstown MD 21740

Serve: Kirk C. Downey, Esq.
100 West Washington Street
Hagerstown MD 21740

KIRK C. DOWNEY, ESQ.
Serve: Kirk C. Downey, Esq.
17929 Pin Oak Road
Hagerstown MD 21740

and

B. ANDREW BRIGHT, ESQ.
Serve: B. Andrew Bright, Esq.
100 West Washington Street
Hagerstown MD 21740

Defendants

Case No. C-21-CV-21-000097

COMPLAINT

Plaintiff Justin Kyle Holder ("Mr. Holder"), by and through his undersigned counsel, hereby file this Complaint against Defendants Washington County Board of County Commissioners, Kirk C. Downey, Esq. and B. Andrew Bright, Esq., and in support thereof alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Mr. Holder is an adult resident of Washington County, Maryland.

2. Mr. Holder is an "applicant" as defined by Maryland Code Ann., General Provisions Article ("GP") § 4-101(b) since he asked Defendants to inspect certain public records, as that term is defined by GP §4-101(j). Moreover, Mr. Holder is a person in interest as defined by GP §4-101(g), and as admitted in writing by Defendant County, since Mr. Holder is a person that is the subject of a public record.

3. Defendant, Washington County Board of County Commissioners ("Defendant County") is a political subdivision as defined by GP §4-101(i).

4. Kirk C. Downey, Esq. is the County Attorney. At all times relevant to this Complaint, Downey has been listed as the contact for Washington County, Maryland in the Maryland Public Information Act Manual ("MPIA Manual"). Downey is/was the official custodian, as defined by GP §4-101(f), for the public records of Washington County since he is an officer or employee of Defendant County who is responsible for keeping a public record whether or not the officer or employee has physical custody and control of the public record. Under the Maryland Public Information Act, Downey, as the custodian of the public records, is/was responsible for receiving and responding on behalf of Defendant County to requests for public records made pursuant to the Maryland Public Information Act.

5. B. Andrew Bright, Esq. is the Assistant County Attorney. At all times relevant to this Complaint, Bright was an officer or employee of Defendant County, and is/was responsible for receiving and responding on behalf of Defendant County to requests for public records made pursuant to the Maryland Public Information Act.

6. Jurisdiction is proper in the State of Maryland under MD. CODE ANN. CTS. & JUD. PROC. § 6-103 because all Defendants transact business in this State.

7. Venue is proper in the Circuit Court for Washington County, Maryland pursuant to MD. CODE ANN. CTS. & JUD. PROC. § 6-201 and 6-202 because Defendants carry on regular business in Washington County and because Mr. Holder's claim arose from acts or conduct that occurred in Washington County, Maryland. Morever, this Court has jurisdiction over this matter pursuant to GP § 4-362 because Defendant County is the legal custodian of the public records at issue in this lawsuit, the public records at issue in this lawsuit are located within Washington County, Defendant County maintains its primary place of business at 100 West Washington Street, Hagerstown, MD 21740, is a legal resident of Washington County, Maryland, and is amenable to service of process in Washington County.

COUNT 1: VIOLATION OF THE MARYLAND PUBLIC INFORMATION ACT ("MD PIA")

8. Mr. Holder incorporates by reference the allegations set forth in the preceding paragraphs of this Complaint as if fully stated herein.

9. Mr. Holder brings this action to enjoin Defendant County from unlawfully continuing to withhold public records and in order to better inform a vigorous public debate (a debate which has been shrouded in secrecy), and to vindicate the Maryland Public Information Act's guarantee of open, honest and transparent governance. All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. *See* GP § 4-103(a). To carry out these rights, the Maryland General Provisions shall be construed in favor of allowing inspection of a public record, with the least cost and least delay to the person that requests the inspection. *See* GP § 4-103(b).

10. Defendant County is a political subdivision and Defendant Downey is a custodian, and as such, are governed by the public disclosure requirements of the Maryland Public Information Act. Except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time. GP § 4-201(a).

11. On or about August 3, 2020, Mr. Holder submitted written application to Defendant Downey and Andrew Bright to inspect "all email correspondence from the following email address 'Morral7@msn.com' and any sheriff, deputy, county official from May 19th to present."

12. The very next day, August 4, 2020 at 4:49 pm, Defendant Bright, on behalf of himself and the other Defendants, responded to Mr. Holder's request, in pertinent part, as follows:

> Your request is denied. Pursuant to Gen'l Prov. Art. § 4-351, a custodian may deny inspection, by a person in interest, of records of investigations conducted by a State's Attorney. The State's Attorney's Office had advised that the records you have requested are, in fact, records of an ongoing investigation and involve current prosecution. Therefore, I must deny your request.

13. In so denying Mr. Holder's request, Defendants took the position that pursuant to GP § 4-351(a), a custodian may deny inspection, by a person in interest, of records of investigations conducted by a State's Attorney. Further, Defendants denied Mr. Holder's application for records because, purportedly, the State's Attorney's Office has advised that the records Mr. Holder has requested are records of a still ongoing investigation and involve current prosecution.

14. Fifteen minutes later, Mr. Holder responded to Defendants' denial, by writing: "Please note if the emails are for case Dc-112-cr-20-001393, than my intent was to gather them for states attorney Joe Michael's. Please advise prosecution has all evidence of record."

15. Neither Messrs. Bright or Downey, nor anyone else on behalf of the County, responded in writing to this message.

16. Further to Defendants' position that Mr. Holder's request sought the State's Attorney's "records of an ongoing investigation [that] involve current prosecution," by e-mail dated October 14, 2020 at 1:49 p.m., Mr. Holder advised Defendants that the criminal case against Christine Morral, Case No. Dc-112-cr-20-001393, previously pending in the District Court for Washington County, Maryland, had been dismissed as of 9:00 a.m. that same day. Mr. Holder advised that the Washington County Sheriff, Douglas W. Mullendore, had confirmed that there was no active investigation open against Mr. Holder. In the same e-mail communication, Mr. Holder, again, submitted written application to Defendants to inspect public records of Defendant County as follows: "Please provide all email correspondence from the following email address 'Morral7@msn.com' and any sheriff, deputy, county official from May 19th to present."

17. By e-mail and letter dated the next day, October 15, 2020, Defendants denied Mr. Holder's application for public records for the same reason given on August 4, 2020 (despite the fact that there was no longer any "ongoing investigation that involves current prosecution").

18. Approximately 30 minutes after receiving the Defendants' denial of his request, Mr. Holder responded in writing, by e-mail, to Defendant Bright. Mr. Holder requested that Bright "disclose the specific investigation" which was referred to as Defendants' purported basis for denying Mr. Holder's request for a records inspection. Mr. Holder also advised Defendants that he is a "person [in] interest" with respect to the records request, a fact already twice acknowledged by Defendants in its/his denial letters dated August 4, 2020 and October 15, 2020.

19. Neither Messrs. Bright or Downey, nor anyone else on behalf of the County, responded to Mr. Holder's request for Defendants to "disclose the specific investigation" which was referred to as Defendants' purported basis for denying Mr. Holder's request for a records inspection.

20. Later that same day, by e-mail dated October 15, 2020 at 12:31 p.m., Mr. Holder advised Bright that he is requesting the aforementioned records, in part, under *Brady v. Maryland*, 373 U.S. 83 (1963), which requires that the prosecution must turn over all exculpatory evidence to the defendant in a criminal case. Mr. Holder further informed Bright that his "rights are being trampled on" and "[a]ny citizen should not have to fight so hard." *See, e.g.*, GP § 4-103.

21. Neither Messrs. Bright or Downey, nor anyone else on behalf of the County, responded to Mr. Holder's e-mail dated October 15, 2020 at 12:31 p.m.

22. By e-mail dated January 21, 2021 at 8:58 a.m., Mr. Holder, again, advised Defendants that the subject matter of his previous August 3, 2020 request to inspect County records, which was renewed on October 14, 2020, would produce exculpatory materials related to the criminal charges pending against him and, thus, must be produced to him under the *Brady* doctrine and public interest.

23. Less than two (2) hours later, by e-mail dated January 21, 2021 at 10:23 a.m., Mr. Holder, provided Defendants with citations to GP 4-351(b), and excepts from the current Maryland Public Information Act Manual, advising that Defendants' denial was unlawful, and requested that Defendants reverse their unlawful denial and permit inspection of the records. Specifically, Mr. Holder took care to conspicuously highlight, in red and/or yellow typeface, the applicable law contained in the Manual and under Maryland law which informs Defendants that their denial of his request was unlawful.

24. Bright responded by e-mail dated January 21, 2021 at 11:24 a.m. He admitted that "[f]or better or worse" "the County is in possession of the Sheriff's email server." Moreover, Bright admitted that "[i]f there is exculpation evidence in possession of the Sheriff's department or the office of the State's Attorney, the obligations under *Brady v. Maryland* must be honored by the State's Attorney's Office." Bright continued, "It is not my **prerogative** to act on behalf of the State's Attorney." (Emphasis supplied).

25. Despite acknowledging that the County "is in possession of the Sheriff's email server", Bright's e-mail, specifically, his uses of the phrase "[i]f there is exculpation evidence in possession of the Sheriff's department", makes plain that Defendants did not search the records in its possession related to Mr. Holder's request.

26. Moreover, Bright's e-mail stating that "[i]t is not my prerogative to act on behalf of the State's Attorney" is in direct contravention to his letters dated August 4, 2020 and October 15, 2020, denying Mr. Holder's records inspection request because, purportedly, the request sought "records of investigations conducted by the State's Attorney" and purportedly the "State's Attorney's Office has advised that the records . . . requested are, in fact, records of a still ongoing investigation and involve current prosecution."

27. Approximately one hour later, at 12:30 p.m., Mr. Holder responded to Bright's e-mail dated January 21, 2021 at 11:24 a.m. Therein, Mr. Holder highlighted that Bright was acting on behalf of the State's Attorney despite Bright's bald assertion to the contrary. Again, therein, Mr. Holder advised Bright that he (Holder) is a "person [in] interest" in an investigation, to which a different legal standard is applied pursuant to GP § 4-351(b)(1)-(7). Mr. Holder informed Bright that he (Bright) is "required to choose a reason from 1 through above as the reason that you denied the information request." Mr. Holder reiterated that "[t]he State's Attorney's desire to preclude myself from Brady Doctine exculpatory evidence is an unlawful denial of due process." Mr. Holder, again, implored Bright to provide the public information as requested by Mr. Holder.

28. Neither Messrs. Bright or Downey, nor anyone else on behalf of the County, responded to Mr. Holder's request for the County to support its denial of his records request.

29. Mr. Holder's request, as being made by a "person in interest", enjoys a favored status under Maryland law. Under GP § 4-351(b), Mr. Holder, as a "person in interest" is entitled to inspect investigatory records of which he is the subject unless production would:

(1) interfere with a valid and proper law enforcement proceeding;
(2) deprive another person of a right to a fair trial or an impartial adjudication;
(3) constitute an unwarranted invasion of personal privacy;
(4) disclose the identity of a confidential source;
(5) disclose an investigative technique or procedure;
(6) prejudice an investigation; or
(7) endanger the life or physical safety of an individual.

30. Because a person in interest enjoys a favored status, a custodian of records must point out precisely which of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record and explain precisely why it would do so. *Blythe v. State*, 161 Md. App. 492, 531 (2005).

31. Defendants' denials of Mr. Holder's repeated requests to inspect the County's records admit that he is a person in interest, but neither precisely state which, if any, of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record nor explain precisely why Defendants would do so.

32. Moreover, Defendants do not aver that granting Mr. Holder's request would be contrary to the public interest. GP § 4-343.

33. Defendants' denial of Mr. Holder's request to inspect records did not indicate that the denial was made only after careful consideration to the public interest involved.

34. Defendants' denial of Mr. Holder's request to inspect records did not carefully balance the possible consequences of disclosure against the public interest in favor of disclosure.

35. Defendants' denial of Mr. Holder's request to inspect records neither provides Mr. Holder with a brief explanation of why the denial is necessary nor an explanation of why redacting information would not address the reasons for the denial.

36. Rather, Defendants denied Mr. Holder's request to inspect records on a purported basis of their own creation, not one of the seven (7) bases for denial enumerated in GP § 4-351(b).

37. Defendants violated Mr. Holder's right "to have access to information about the affairs of government and the official acts of public officials and employees." GP § 4-103(a).

38. Defendants violated the Maryland Public Information Act by refusing to permit Mr. Holder "to inspect any public record at any reasonable time." GP § 4-201(a).

39. There is no statutory exemption under the Maryland Public Information Act, or other law, that allows the Defendants to deny Mr. Holder's requests for inspection of public records or to deny Mr. Holder a copy, printout, or photograph of a public record.

40. Pursuant to GP §4-362(b), Defendants have "the burden of sustaining a decision to deny inspection of a public record" or to "deny [Mr. Holder] a copy, printout, or photograph of a public record." Defendants cannot sustain its/his burden because its/his decision to deny Mr. Holder's right to inspect the requested documentary materials is unlawful.

41. Defendants knowingly and willfully failed to disclose or fully to disclose a public record that Mr. Holder was entitled to inspect under the Maryland Public Information Act.

42. Defendants knowingly and willfully failed to provide a copy, printout, or photograph of a public record that Mr. Holder requested under § 4-205 of the Maryland Public Information Act.

43. After temporarily denying Mr. Holder inspection of a public record, Defendant Downey failed to petition this court for an order to continue the denial.

WHEREFORE, Mr. Holder respectfully requests that this Court:

A. Assume jurisdiction over this matter pursuant to GP § 4-362;

B. Give this matter "precedence on the docket", a hearing "at the earliest practicable date" and expedite this matter "in every way" pursuant to GP § 4-362(c)(1)(i)-(iii);

C. Enjoin Defendants County, Kirk C. Downey and B. Andrew Bright from: (1) withholding the public records requested by Mr. Holder; or (2) withholding a copy, printout, or photograph of the public records requested by Mr. Holder;

D. Issue an order for the production of the public record or a copy, printout, or photograph of the public record that was withheld from Mr. Holder;

E. Order Defendants to waive all fees associated with disclosing and providing the requested records to Mr. Holder;

F. Order Defendants to fully comply with the Maryland Public Information Act in regards to future requests from Plaintiff Justin Kyle Holder;

G. Award Mr. Holder statutory damages not to exceed $1,000.00;

H. Award Mr. Holder actual damages that this court considers appropriate since Defendant(s) knowingly and willfully failed to disclose or fully to disclose a public record that Mr. Holder was entitled to inspect under the Maryland Public Information Act;

I. Award Mr. Holder actual damages that this court considers appropriate since Defendant(s) knowingly and willfully failed to provide a copy, printout, or photograph of a public record that Mr. Holder requested under § 4-205 of the Maryland Public Information Act;

J. Award Mr. Holder actual damages against Defendant Downey that the court considers appropriate for temporarily denying Mr. Holder inspection of a public record without petitioning this court for an order to continue the denial;

K. Find that Defendant Downey acted arbitrarily or capriciously in withholding the public record or the copy, printout, or photograph of the public record, and send a certified copy of its finding to the appointing authority of the custodian;

L. Order that Mr. Holder has "substantially prevailed" in this action, award Mr. Holder litigation costs and reasonable attorneys' fees reasonably incurred in this action, as provided by GP § 4-362(g), and allow Mr. Holder thirty (30) days to submit fees and costs application to this Court; and/or

M. Grant any other relief this Court deems just and appropriate.

Respectfully submitted,

Jacob I. Weddle, Esq., CP # 0712120390
GORDON & SIMMONS, LLC
1050 Key Parkway, Suite 101
Frederick, Maryland 21702
Counsel for Plaintiff Justin Kyle Holder
jweddle@gordonsimmons.com
Phone: (301) 662-9122
Fax: (301) 698-0392

CERTIFICATE REGARDING RESTRICTED INFORMATION

I HEREBY CERTIFY that this document does not contain any restricted information.

Jacob I. Weddle, Esq., CP # 0712120390

E-FILED; Washington Circuit Court
Docket: 9/15/2021 4:30 PM; Submission: 9/15/2021 4:30 PM

JUSTIN KYLE HOLDER	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY, *et al.*	*	WASHINGTON COUNTY
	*	Case No.: C-21-CV-21-000097
Defendants	*	

* * * * * * * * * * * * * *

ANSWER PRESENTING DEFENSES

The BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, KIRK C. DOWNEY and ANDREW B. BRIGHT, Defendants, hereinafter referred to as "Defendants" or the "County," by KARPINSKI, CORNBROOKS & KARP, P.A. and KEVIN KARPINSKI, its attorneys, hereby answer the Complaint and says:

Rule 2-322(b) DEFENSES

1. The Complaint fails to state a claim upon which relief may be granted.

2. Plaintiff has failed to join necessary parties.

GENERAL DEFENSES

3. Defendants deny the allegations of liability asserted.

4. The case is moot.

ANSWER

5. Defendants admit that Mr. Holder is an adult resident of Washington County, Maryland, as set forth in paragraph 1.

6. Defendants admit that Mr. Holder is an "applicant" and may be a "person in interest" under the Maryland Public Information Act, as indicated in paragraph 2.

7. Defendants admit that the Washington County Board of County Commissioners is a political subdivision, as indicated in paragraph 3.

8. Defendants admit that Kirk C. Downey, Esq. is identified as the official custodian of records for Washington County in the Maryland Public Information Act Manual and is generally tasked with receiving and responding—on behalf of the County—to requests made under the PIA, as set forth in paragraph 4.

9. Defendants admit, in response to paragraph 5, that B. Andrew Bright, Esq. was the Assistant County Attorney at the time Mr. Holder made his request and that Mr. Bright was generally tasked with receiving and responding to PIA requests on behalf of the County.

10. Paragraph 6 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 9 which Defendants must admit or deny, they are denied.

11. Paragraph 7 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 9 which Defendants must admit or deny, they are denied.

12. Defendants incorporate by reference their previous answers and denials in response to paragraph 8.

13. Paragraph 9 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations

contained in paragraph 9 which Defendants must admit or deny, they are denied.

14. Defendants admit that Washington County is a political subdivision of the State of Maryland and is required to comply with the PIA, as set forth in paragraph 10.

15. Defendants admit the allegations contained in paragraph 11.

16. Defendants admit the allegations contained in paragraph 12.

17. Defendants admit the allegations contained in paragraph 13.

18. Defendants admit that Mr. Holder responded to Defendants' denial of his request in the manner set forth in paragraph 14.

19. Defendants admit the allegations contained in paragraph 15.

20. Defendants admit, in response to paragraph 16, that Mr. Holder informed Defendants that a case pending against him in the District Court for Washington County, Maryland had been dismissed and renewed his initial PIA request. Defendants are without adequate information to admit or deny whether Washington County Sherriff Douglas W. Mullendore had confirmed to Mr. Holder that there was no active investigation pending against him, as set forth in paragraph 16, therefore, it is denied.

21. Defendants admit the allegations contained in paragraph 17 to the extent it indicates that Defendants denied Mr. Holder's renewed PIA request. Defendants deny that, at the time of Mr. Holder's renewed PIA request, that there was no pending investigation against Mr. Holder.

22. Defendants admit the allegations contained in paragraph 18.

23. Defendants admit that, as set forth in paragraph 19, neither Mr. Bright nor Mr. Downey responded to Mr. Holder's request to identify the "specific investigation" upon which Defendants based their denial of Mr. Holder's PIA request.

24. Defendants admit the allegations contained in paragraph 20.

25. Defendants admit the allegations contained in paragraph 21.

26. Defendants admit, in response to paragraph 22, that Mr. Holder sent a January 21, 2021 email to Defendants indicating that the records constituted exculpatory materials that must be produced under *Brady*.

27. Defendants admit the allegations contained in paragraph 23, to the extent it indicates that Mr. Holder contacted Defendants on January 21, 2021 regarding Defendants' denial of his request.

28. Defendants admit the allegations contained in paragraph 24.

29. Defendants deny the allegations contained in paragraph 25, to the extent Mr. Holder represents that Defendants "did not search the records in its possession related to Mr. Holder's request."

30. Paragraph 26 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 26 which Defendants must admit or deny, they are denied.

31. Defendants admit the allegation that Mr. Holder responded to Mr. Bright's January 21, 2021 email in the manner described in paragraph 27.

32. Defendants admit the allegations contained in paragraph 28.

33. Defendants admit that Mr. Holder may be a "person in interest" with respect to the records he requested, as set forth in paragraph 29.

34. Paragraph 30 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 30 which Defendants must admit or deny, they are denied.

35. Defendants admit the allegations contained in paragraph 31, to the extent they indicate that Mr. Holder may be a person in interest, and that Defendants did not specifically identify a provision under Maryland Code, General Provisions Article § 4-351(b) in their denial of Mr. Holder request.

36. Defendants deny the allegations contained in paragraph 32, to the extent it indicates that Defendants do not "aver that granting Mr. Holder's request would be contrary to the public interest."

37. Defendants admit the allegations contained in paragraph 33, to the extent that it indicates that Defendants' response to Mr. Holder's request did not specifically indicate that Defendants considered the public interest involved.

38. Defendants admit the allegations contained in paragraph 34, to the extent that it indicates that Defendants' response to Mr. Holder's request did not expressly indicate that Defendants "carefully balance[d] the possible consequences of disclosure against the public interest in favor of disclosure."

39. Defendants deny the allegations in paragraph 35 to the extent that it indicates that Defendants' response to Mr. Holder's request did not indicate why the denial was necessary. Defendants admit the allegations in paragraph 35

that its response to Mr. Holder's request did not explain why Defendants could not redact and disclose the requested records.

40. Defendants deny the allegations contained in paragraph 36.

41. Paragraph 37 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 37 which Defendants must admit or deny, they are denied.

42. Paragraph 38 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 38 which Defendants must admit or deny, they are denied.

43. Paragraph 39 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 39 which Defendants must admit or deny, they are denied.

44. Defendants deny the allegations contained in paragraph 40, to the extent it indicates that Defendants cannot sustain its decision to deny Mr. Holder's request and that Defendants' denial of Mr. Holder's request was unlawful.

45. Defendants deny the allegations contained in paragraph 41.

46. Defendants deny the allegations contained in paragraph 42.

47. Defendants deny the allegations contained in paragraph 43.

Respectfully Submitted,

KARPINSKI, CORNBROOKS & KARP, P.A.

By: /s/ Kevin Karpinski

KEVIN KARPINSKI
CPF #9312150114
120 East Baltimore Street
Suite 1850
Baltimore, Maryland 21202–1617
410-727-5000
Kevin@bkcklaw.com
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September 2021, a copy of the forgoing was electronically filed, with notice to:

Jacob I. Weddle, Esquire
Gordon & Simmons, LLC
1050 Key Parkway
Suite 101
Frederick, Maryland 21702
Attorney for Plaintiff

/s/ Kevin Karpinski
Counsel for Defendant

E-FILED; Washington Circuit Court
Docket: 8/1/2022 4:57 PM; Submission: 8/1/2022 4:57 PM

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JUSTIN KYLE HOLDER	)	
	)	
v.	)	
	)	
WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS, *et al.*	)	**Case No. C-21-CV-21-000097**
	)	
Defendants	)	
	)	

FIRST AMENDED COMPLAINT

Plaintiff Justin Kyle Holder ("Mr. Holder"), by and through his undersigned counsel, hereby files this First Amended Complaint against Defendants Washington County Board of County Commissioners, Kirk C. Downey, Esq. and B. Andrew Bright, Esq., and in support thereof alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Mr. Holder is an adult resident of Washington County, Maryland.

2. Mr. Holder is an "applicant" as defined by Maryland Code Ann., General Provisions Article ("GP") § 4-101(b) since he asked Defendants to inspect certain public records, as that term is defined by GP § 4-101(j). Moreover, Mr. Holder is a person in interest as defined by GP § 4-101(g), and as admitted in writing by Defendants, since Mr. Holder is a person that is the subject of certain public records.

3. Defendant, Washington County Board of County Commissioners ("Defendant County") is a political subdivision as defined by GP §4-101(i).

4. Kirk C. Downey, Esq. is the County Attorney. At all times relevant to this Complaint, Downey has been listed as the contact for Washington County, Maryland in the

Maryland Public Information Act Manual ("MPIA Manual"). Downey is/was the official custodian, as defined by GP §4-101(f), for the public records of Washington County since he is an officer or employee of Defendant County who is responsible for keeping a public record whether or not the officer or employee has physical custody and control of the public record. Under the Maryland Public Information Act, Downey, as the custodian of the public records, is/was responsible for receiving and responding on behalf of Defendant County to requests for public records made pursuant to the Maryland Public Information Act.

5. B. Andrew Bright, Esq. was the Assistant County Attorney at times relevant to this Complaint, was an officer or employee of Defendant County, and was responsible for receiving and responding on behalf of Defendant County to requests for public records made pursuant to the Maryland Public Information Act.

6. Jurisdiction is proper in the State of Maryland under MD. CODE ANN. CTS. & JUD. PROC. §6-103 because all Defendants transact business in this State.

7. Venue is proper in the Circuit Court for Washington County, Maryland pursuant to MD. CODE ANN. CTS. & JUD. PROC. § 6-201 and 6-202 because Defendants carry on regular business in Washington County and because Mr. Holder's claim arose from acts or conduct that occurred in Washington County, Maryland. Moreover, this Court has jurisdiction over this matter pursuant to GP § 4-362 because Defendant County is the legal custodian of the public records at issue in this lawsuit, the public records at issue in this lawsuit are located within Washington County, Defendant County maintains its primary place of business at 100 West Washington Street, Hagerstown, MD 21740, and is amenable to service of process in Washington County.

COUNT 1: VIOLATION OF THE MARYLAND PUBLIC INFORMATION ACT ("MD PIA") ("MICHAEL/MORRAL E-MAILS")

8. Mr. Holder incorporates by reference the allegations set forth in the preceding paragraphs of this Complaint as if fully stated herein.

9. Mr. Holder brings this action to enjoin Defendants from unlawfully continuing to withhold public records and in order to better inform a vigorous public debate (a debate which has been shrouded in secrecy), and to vindicate the Maryland Public Information Act's guarantee of open, honest and transparent governance. All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. *See* GP § 4-103(a). To carry out these rights, the Maryland General Provisions shall be construed in favor of allowing inspection of a public record, with the least cost and least delay to the person that requests the inspection. *See* GP § 4-103(b).

10. Defendant County is a political subdivision. Defendants Downey and Bright is/was a custodian or acted as custodian for Defendant County, and as such, are governed by the public disclosure requirements of the Maryland Public Information Act. Except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time. GP § 4-201(a).

11. On or about August 3, 2020, Mr. Holder submitted written application to Defendants Downey and Bright to inspect "all email correspondence from the following email address 'Morral7@msn.com' and any sheriff, deputy, county official from May 19th to present."

12. The very next day, August 4, 2020 at 4:49 pm, Defendant Bright, on behalf of himself and the other Defendants, responded to Mr. Holder's request, in pertinent part, as follows:

> Your request is denied. Pursuant to Gen'l Prov. Art. § 4-351, a custodian may deny inspection, by a person in interest, of records of investigations conducted by a State's Attorney. The State's

> Attorney's Office had advised that the records you have requested are, in fact, records of an ongoing investigation and involve current prosecution. Therefore, I must deny your request.

13. Mr. Holder's request did not ask for records of the State of Maryland.

14. Upon information and belief, then Deputy State's Attorney, Joseph Michael, was an employee of Defendant Washington County at all times relevant to the requests at issue in this Count.

15. In so denying Mr. Holder's request, Defendants took the position that pursuant to GP § 4-351, a custodian may deny inspection, by a person in interest, of records of investigations conducted by the then Deputy State's Attorney. Further Defendants denied Mr. Holder's application for records because, purportedly, the then Deputy State's Attorney's Office advised that the records Mr. Holder has requested are records of an ongoing investigation and involve current prosecution.

16. On August 4, 2020, Mr. Holder responded to Defendants' denial, by writing that if the requested records were for the then pending case involving Ms. Morral (Case No. Dc-112-cr-20-00139), Mr. Holder's intent was to gather them for then Deputy State's Attorney, Joseph Michael.

17. Neither Messrs. Bright or Downey, nor anyone else on behalf of the County, responded in writing to this message.

18. In further response to Defendants' position that Mr. Holder's request sought then Deputy State's Attorney's "records of an ongoing investigation [that] involve current prosecution," by e-mail dated October 14, 2020 at 1:49 p.m., Mr. Holder advised Defendants that the criminal case against Christine Morral, Case No. Dc-112-cr-20-001393, previously pending in the District Court for Washington County, Maryland, had been dismissed as of 9:00 a.m. that same day. Mr. Holder also advised Defendants that the Washington County Sheriff, Douglas W. Mullendore, had

confirmed that there was no active investigation open against Mr. Holder. In the same e-mail communication, Mr. Holder, again, submitted written application to Defendants to inspect public records of Defendant County as follows: "Please provide all email correspondence from the following email address 'Morral7@msn.com' and any sheriff, deputy, county official from May 19th to present."

19. By e-mail and letter dated the next day, October 15, 2020, Defendants denied Mr. Holder's application for public records for the same reason given on August 4, 2020 (despite the fact that there was no longer any "ongoing investigation that involves current prosecution" related to Ms. Morral).

20. Approximately 30 minutes after receiving the Defendants' October 15th denial of his request, Mr. Holder responded by e-mail to Defendant Bright. Mr. Holder requested that Bright "disclose the specific investigation" which was referred to as Defendants' purported basis for denying Mr. Holder's request for a records inspection. Mr. Holder also advised Defendants that he is a "person [in] interest" with respect to the records request, a fact already twice acknowledged by Defendants in its/his denial letters dated August 4, 2020 and October 15, 2020.

21. Neither Messrs. Bright or Downey, nor anyone else on behalf of the County, responded to Mr. Holder's request for Defendants to "disclose the specific investigation" which was referred to as Defendants' purported basis for denying Mr. Holder's request for a records inspection.

22. Later that same day, by e-mail dated October 15, 2020 at 12:31 p.m., Mr. Holder advised Bright that he is requesting the aforementioned records, in part, under *Brady v. Maryland*, 373 U.S. 83 (1963), which requires that the prosecution must turn over all exculpatory evidence to the defendant in a criminal case. Mr. Holder further informed Bright that his "rights are being trampled on" and "[a]ny citizen should not have to fight so hard." *See, e.g.*, GP § 4-103.

23. Neither Messrs. Bright or Downey, nor anyone else on behalf of the County, responded to Mr. Holder's e-mail dated October 15, 2020 at 12:31 p.m.

24. By e-mail dated January 21, 2021 at 8:58 a.m., Mr. Holder, again, advised Defendants that the subject matter of his previous August 3, 2020 request to inspect County records, which was renewed on October 14, 2020, would produce exculpatory materials related to the criminal charges pending against him. Mr. Holder made another (third) request for Defendants to produce all email correspondence from the following email address 'Morral7@msn.com' and any sheriff, deputy, county official from May 19th to present, and noted that these documents must be produced to him under the *Brady* doctrine and public interest. Indeed, *Brady* notes, "An inscription on the walls of the Department of Justice states the proposition candidly for the federal domain: 'The United States wins its point whenever justice is done its citizens in the courts.' A prosecution that withholds evidence on demand of an accused which, if made available, would tend to exculpate him or reduce the penalty helps shape a trial that bears heavily on the defendant." *Id*. at 87-88.

25. Less than two (2) hours later, by e-mail dated January 21, 2021 at 10:23 a.m., Mr. Holder, provided Defendants with citations to GP § 4-351(b), and excepts from the current Maryland Public Information Act Manual, advising that Defendants' denial was unlawful, and requesting that Defendants reverse their unlawful denial and permit inspection of the requested records. Specifically, Mr. Holder took care to conspicuously highlight, in red and/or yellow typeface, some of the applicable Maryland law contained in the Manual which informs Defendants that their denial of his request was unlawful.

26. Bright responded by e-mail dated January 21, 2021 at 11:24 a.m. He admitted that "[f]or better or worse" "the County is in possession of the Sheriff's email server." Moreover, Bright admitted that "[i]f there is exculpation evidence in possession of the Sheriff's department or the office of the State's Attorney, the obligations under *Brady v. Maryland* must be honored by the

State's Attorney's Office." Bright continued, "**It is not my prerogative** to act on behalf of the State's Attorney." (Emphasis supplied).

27. Despite acknowledging that the County "is in possession of the Sheriff's email server", Bright's e-mail, specifically, his use of the phrase "[i]f there is exculpation evidence in possession of the Sheriff's department", makes plain that Defendants did not search the records in its possession related to Mr. Holder's request.

28. Moreover, Bright's e-mail stating that "[i]t is not my prerogative to act on behalf of the State's Attorney" is in direct contravention to his letters dated August 4, 2020 and October 15, 2020, denying Mr. Holder's records inspection request because, purportedly, the request sought "records of investigations conducted by the State's Attorney" and purportedly the "State's Attorney's Office has advised that the records . . . requested are, in fact, records of a still ongoing investigation and involve current prosecution." Further, Bright's e-mail stating that "[i]t is not my prerogative to act on behalf of the State's Attorney" is inconsistent with the positions taken by Defendants in this litigation, specifically, that Defendants must deny Mr. Holder's records requests because the State's Attorney would itself deny the records request.

29. Despite Mr. Bright's inference that the State's Attorney had reviewed records which were responsive to Mr. Holder's request, but were withheld from production, upon information and belief, neither then Deputy State's Attorney Joseph Michael, nor anyone else from the State's Attorney's Office (including Kenneth Shapiro) read Mr. Holder's request for records.

30. Despite Mr. Bright's inference that the State's Attorney had reviewed records which were responsive to Mr. Holder's request, but which were withheld from production, upon information and belief, neither then Deputy State's Attorney Joseph Michael, nor anyone else from the State's Attorney's Office (including Kenneth Shapiro), reviewed any of the records sought at any time prior to Defendants' denial of Mr. Holder's requests.

31. Upon information and belief, then Deputy State's Attorney Joseph Michael held the opinion that he did not need to look at any of the responsive documents which were responsive to Mr. Holder's request, but which were withheld from production.

32. Mr. Holder responded to Bright's e-mail dated January 21, 2021 at 11:24 a.m. approximately one hour later, at 12:30 p.m. Therein, Mr. Holder highlighted that Bright was acting on behalf of the State's Attorney despite Bright's bald assertion to the contrary. Again, therein, Mr. Holder advised Bright that he (Holder) is a "person [in] interest", to which a different legal standard is applied pursuant to GP § 4-351(b)(1)-(7). Mr. Holder informed Bright that he (Bright) is "required to choose a reason from 1 through above as the reason that you denied the information request." Mr. Holder reiterated that "[t]he State's Attorney's desire to preclude myself from Brady Doctrine exculpatory evidence is an unlawful denial of due process." Mr. Holder, again, implored Bright to provide the public information as requested by Mr. Holder.

33. Neither Messrs. Bright or Downey, nor anyone else on behalf of the County, responded to Mr. Holders request for the County to support its denial of his records request.

34. Moreover, on or about July 14, 2021, Assistant State's Attorney, Kenneth Shapiro, produced document "discovery" to Mr. Holder's counsel prior to certain cases being called for trial the next day, July 15, 2021. None of the discovery produced by Mr. Shapiro included any of the e-mails at issue in this case, suggesting that the e-mails in question did/do not relate to any ongoing investigation or pending, valid and proper law enforcement proceeding.

35. On Wednesday, July 21, 2021 at 11:07 a.m., Mr. Holder made a fourth request to Defendants for:

> All emails/correspondence/communication with the Sheriff's Department and/or another county official/employee;
>
> Sent or Recieved;
>
> With the email address <Morral7@msn.com>.

Please include:

all emails/correspondence/communication in which the email <Morral7@msn.com> is a party aforesaid email;

to include forwarded emails or cc, such as a June 2nd, 2020 email forwarded to <blevey@washco-md.net> from <townhall@keedysvillemd.com> originally sent from <Morral7@msn.com> on May 29th, 2020.

Please include all attachments to the aforesaid emails.

Please provide an estimate of time and cost in 10 days for this request.

36. On or about August 31, 2021, Defendants produced to Mr. Holder directly certain e-mails between Christine Morral and then Deputy State's Attorney, Joseph Michael.

37. With respect to those certain e-mails between Christine Morral and then Deputy State's Attorney, Joseph Michael, Mr. Holder is a "person in interest". Thus, under Maryland law, Mr. Holder enjoys a favored status with respect to his requests.

38. Under GP § 4-351(b), Mr. Holder, as a "person in interest" is entitled to inspect records of which he is the subject unless production would:

> (1) interfere with a valid and proper law enforcement proceeding;
> (2) deprive another person of a right to a fair trial or an impartial adjudication;
> (3) constitute an unwarranted invasion of personal privacy;
> (4) disclose the identity of a confidential source;
> (5) disclose an investigative technique or procedure;
> (6) prejudice an investigation; or
> (7) endanger the life or physical safety of an individual.

39. Because a person in interest enjoys a favored status, a custodian of records must point out precisely which of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record and explain precisely why it would do so. *Blythe v. State*, 161 Md. App. 492, 531 (2005).

40. Defendants' denials of Mr. Holder's repeated requests to inspect the County's records admit that he is a person in interest, but neither precisely state which, if any, of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record nor explain precisely why Defendants would do so.

41. Defendants have failed to identify what, if any, investigation(s) or criminal proceedings(s) was/were pending against Mr. Holder at the time Defendants denied his requests. Upon information and belief, no investigation(s) or criminal proceedings(s) was/were pending against Mr. Holder which would give Defendants, or anyone else, lawful grounds to deny his requests.

42. But even if there were, Defendants denial did not even claim, baldly or otherwise, that producing documents responsive to Mr. Holder's requests would "interfere" with a valid and proper law enforcement proceeding, "prejudice" any investigation, or otherwise result in any harm.

43. Moreover, as a person in interest, Defendants could deny Mr. Holder's requests "only to the extent that the inspection would" invoke one of the seven grounds enumerated in GP § 4-351(b). Putting aside the aforementioned failures, Defendants also failed to honor their duty to produce segregated or redacted records in response to Mr. Holder's requests.

44. Moreover, Defendants' denials did not aver that granting Mr. Holder's requests to inspect records would be contrary to the public interest. GP § 4-343.

45. Defendants' denial of Mr. Holder's requests to inspect records did not indicate that the denial was made only after careful consideration to the public interest involved.

46. Defendants' denial of Mr. Holder's request to inspect records did not carefully balance the possible consequences of disclosure against the public interest in favor of disclosure.

47. Defendants' denial of Mr. Holder's request to inspect records neither provides Mr. Holder with a brief explanation of why the denial is necessary nor an explanation of why redacting information would not address the reasons for the denial.

48. Rather, Defendants denied Mr. Holder's request to inspect records on a purported basis of their own creation, not one of the seven (7) bases for denial enumerated in GP § 4-351(b).

49. Defendants violated Mr. Holder's right "to have access to information about the affairs of government and the official acts of public officials and employees." GP § 4-103(a).

50. Defendants violated the Maryland Public Information Act by refusing to permit Mr. Holder "to inspect any public record at any reasonable time." GP § 4-201(a).

51. There is no statutory exemption under the Maryland Public Information Act, or other law, that allows the Defendants to deny Mr. Holder's requests for inspection of public records or to deny Mr. Holder a copy, printout, or photograph of a public record.

52. Pursuant to GP §4-362(b), Defendants have "the burden of sustaining a decision to deny inspection of a public record" or to "deny [Mr. Holder] a copy, printout, or photograph of a public record." Defendants cannot sustain its/his burden because its/his decision to deny Mr. Holder's right to inspect the requested documentary materials is unlawful.

53. Defendants knowingly and willfully failed to disclose or fully to disclose a public record that Mr. Holder was entitled to inspect under the Maryland Public Information Act. Indeed, Joseph Michael has disdain for Mr. Holder, openly describing him as a jackass, one of the biggest troublemakers in Washington County, and other derogatory terms.

54. Defendants knowingly and willfully failed to provide a copy, printout, or photograph of a public record that Mr. Holder requested under § 4-205 of the Maryland Public Information Act.

55. After temporarily denying Mr. Holder inspection of a public record, Defendants failed to petition this court for an order to continue the denial.

COUNT 2: VIOLATION OF THE MARYLAND PUBLIC INFORMATION ACT ("MD PIA") (MORRAL/TOWN OF KEEDYSVILLE E-MAIL)

56. Mr. Holder incorporates by reference the allegations set forth in the preceding paragraphs of this Complaint as if fully stated herein.

57. As set forth above, Mr. Holder made multiple requests to Defendants to "Please provide all email correspondence from the following email address 'Morral7@msn.com' and any sheriff, deputy, county official from May 19th to present."

58. As set forth above, Defendants denied the requests by silence or by stating:

> Your request is denied. Pursuant to Gen'l Prov. Art. § 4-351, a custodian may deny inspection, by a person in interest, of records of investigations conducted by a State's Attorney. The State's Attorney's Office had advised that the records you have requested are, in fact, records of an ongoing investigation and involve current prosecution. Therefore, I must deny your request.

59. Nevertheless, on or about August 23, 2021, Defendants produced to Mr. Holder a June 24, 2020 11:07 p.m. e-mail sent from Christine Morral to the Town of Keedysville, Maryland (townhall@keedysvillemd.com), Washington County Sherriff Douglas W. Mullendore (dmullendore@washco-md.net), and Washington County Colonel Randy Wilkinson (rwilkinson@washco-md.net) (the "Morral/Town of Keedysville e-mail").

60. Defendants unlawfully withheld the Morral/Town of Keedysville e-mail.

61. Upon information and belief, the Morral/Town of Keedysville e-mail was inappropriately commingled with other e-mails between Ms. Morral and the then Deputy State's Attorney Joseph Michael in order to shield it from disclosure.

62. With respect to the Morral/Town of Keedysville e-mail, Mr. Holder is a "person in interest." Thus, under Maryland law, Mr. Holder enjoys a favored status with respect to his requests.

63. Under GP § 4-351(b), Mr. Holder, as a "person in interest" is entitled to inspect records of which he is the subject unless production would:

> (1) interfere with a valid and proper law enforcement proceeding;
> (2) deprive another person of a right to a fair trial or an impartial adjudication;
> (3) constitute an unwarranted invasion of personal privacy;
> (4) disclose the identity of a confidential source;
> (5) disclose an investigative technique or procedure;
> (6) prejudice an investigation; or
> (7) endanger the life or physical safety of an individual.

64. Because a person in interest enjoys a favored status, a custodian of records must point out precisely which of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record and explain precisely why it would do so. *Blythe*, 161 Md. App. at 531.

65. Defendants' denials of Mr. Holder's repeated requests to inspect the County's records admit that he is a person in interest, but neither precisely state which, if any, of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record nor explain precisely why Defendants would do so.

66. Defendants have failed to identify what, if any, investigation(s) or criminal proceedings(s) was/were pending against Mr. Holder at the time Defendants denied his requests. Upon information and belief, no investigation(s) or criminal proceedings(s) was/were pending against Mr. Holder which would give Defendants, or anyone else, lawful grounds to deny his requests.

67. Moreover, on or about July 14, 2021, Assistant State's Attorney, Kenneth Shapiro, produced document "discovery" to Mr. Holder's counsel prior to certain cases being called for trial the next day, July 15, 2021. None of the discovery produced by Mr. Shapiro included any of the e-mails at issue in this case, suggesting that the e-mails in question did/do not relate to any ongoing investigation or pending, valid and proper law enforcement proceeding.

68. But even if there were investigation(s) or criminal proceedings(s) pending against Mr. Holder which would give Defendants, or anyone else, lawful grounds to deny his requests, Defendants denial did not even claim, baldly or otherwise, that producing documents responsive to Mr. Holder's requests would "interfere" with a valid and proper law enforcement proceeding, "prejudice" any investigation, or otherwise result in any harm.

69. Moreover, as a person in interest, Defendants could deny Mr. Holder's requests "only to the extent that the inspection would" invoke one of the seven grounds enumerated in GP § 4-351(b). Putting aside the aforementioned failures, Defendants also failed to honor their duty to produce segregated or redacted records in response to Mr. Holder's requests.

70. Moreover, Defendants denials did not aver that granting Mr. Holder's requests to inspect records would be contrary to the public interest. GP § 4-343.

71. Defendants' denial of Mr. Holder's requests to inspect records did not indicate that the denial was made only after careful consideration to the public interest involved.

72. Defendants' denial of Mr. Holder's request to inspect records did not carefully balance the possible consequences of disclosure against the public interest in favor of disclosure.

73. Defendants' denial of Mr. Holder's request to inspect records neither provides Mr. Holder with a brief explanation of why the denial is necessary nor an explanation of why redacting information would not address the reasons for the denial.

74. Rather, Defendants denied Mr. Holder's request to inspect records on a purported basis of their own creation, not one of the seven (7) bases for denial enumerated in GP § 4-351(b).

75. Defendants violated Mr. Holder's right "to have access to information about the affairs of government and the official acts of public officials and employees." GP § 4-103(a).

76. Defendants violated the Maryland Public Information Act by refusing to permit Mr. Holder "to inspect any public record at any reasonable time." GP § 4-201(a).

77. There is no statutory exemption under the Maryland Public Information Act, or other law, that allows the Defendants to deny Mr. Holder's requests for inspection of public records or to deny Mr. Holder a copy, printout, or photograph of a public record.

78. Pursuant to GP §4-362(b), Defendants have "the burden of sustaining a decision to deny inspection of a public record" or to "deny [Mr. Holder] a copy, printout, or photograph of a public record." Defendants cannot sustain its/his burden because its/his decision to deny Mr. Holder's right to inspect the requested documentary materials is unlawful.

79. Defendants knowingly and willfully failed to disclose or fully to disclose a public record that Mr. Holder was entitled to inspect under the Maryland Public Information Act.

80. Defendants knowingly and willfully failed to provide a copy, printout, or photograph of a public record that Mr. Holder requested under § 4-205 of the Maryland Public Information Act.

81. After temporarily denying Mr. Holder inspection of a public record, Defendants failed to petition this court for an order to continue the denial.

COUNT 3: VIOLATION OF THE MARYLAND PUBLIC INFORMATION ACT ("MD PIA") (LEVEY E-MAIL)

82. Mr. Holder incorporates by reference the allegations set forth in the preceding paragraphs of this Complaint as if fully stated herein.

83. As set forth above, Mr. Holder made multiple requests to Defendants to "Please provide all email correspondence from the following email address "Morral7@msn.com' and any sheriff, deputy, county official from May 19th to present." This request included or otherwise encompassed any e-mail transmitted between or amongst Washing County's Public Safety Systems Manager, Barry Levey (blevey@washco-md.net), and Christine Morral (Morral7@msn.com) (the "Levey e-mail").

84. As set forth above, Defendants denied the requests by silence or by stating:

> Your request is denied. Pursuant to Gen'l Prov. Art. § 4-351, a custodian may deny inspection, by a person in interest, of records of investigations conducted by a State's Attorney. The State's Attorney's Office had advised that the records you have requested are, in fact, records of an ongoing investigation and involve current prosecution. Therefore, I must deny your request.

85. In addition to the aforementioned requests, on Monday August 23, 2021 at 9:28 p.m., Mr. Holder wrote Defendants' counsel (Mr. Karpinski), the following e-mail:

> Mr. Karpinski,
>
> Thank you very much for fulfilling my request.
>
> I just want to add that you missed a few. On June 2nd, 2020 the address <blevey@washco-md.net> was forwarded emails from <townhall@keedysvillemd.com > that originated from <Morral7@msn.com > on May 29th, 2020.
>
> I also requested those emails. Would you kindly provide those by September 1st, 2021.

86. Despite Mr. Holder's request, Defendants have never produced a June 2020 e-mail from the address blevey@washco-md.net which was forwarded emails from townhall@keedysvillemd.com that originated from Morral7@msn.com on May 29th, 2020.

87. On September 1, 2021, Mr. Holder, realizing that he had made a minor mistake in the date of his request, made another request to Defendants, again, specifically requesting e-mails known to exist (but not produced) as follows:

> I specifically requested the emails sent June 2nd, 2020 to blevey@washco-md.net. I have not received those emails. I have undisputed proof and personal knowledge these emails exist.
>
> * * *
>
> Please modify my MPIA request to read:
>
> **********
>
> Dear Custodian of Public Records,
>
> This is a request for public information under the Maryland Public Information Act.

> Please provide the following information and/or records:
>
> All emails/correspondence/communication with the Sheriff's Department and/or another county official/employee;
>
> Sent or Recieved;
>
> With the email address <Morral7@msn.com>.
>
> Please include:
>
> all emails/correspondence/communication in which the email <Morral7@msn.com> is a party aforesaid email;
>
> to include forwarded emails or cc, such as a June 1st, 2020 email forwarded to <blevey@washco-md.net> from <townhall@keedysvillemd.com> originally sent from <Morral7@msn.com> on May 29th, 2020, and any additional emails from May 20th, 2020 through July 31st, 2020 that are sent to blevey@washco-md.net from;
>
> Mayorkenlord@gmail.com, hullscraneservice@hotmail.com, townhall@keedysvillemd.com, rick_bishop@keedysvillemd.com,jkkerns@verizon.net.

88. On September 27, 2021, Defendants' counsel, Mr. Karpinski, responded to Mr. Holder's request as modified, by stating in pertinent part:

> The County's Director of Information Systems has conducted a search of the County's email system based on the search parameters set forth in your requests. No records, other than what was provided to you by my office on August 23, 2021, were retrieved.
>
> Please note that although the County email system is administered by the County Division of Information Technology, it is the discretion of each individual system user as to how all communications are saved and filed, including emails sent or received through the email account. As a means of organization, some users delete emails as soon as the related matter has been handled. Deleted emails are no longer accessible after a certain time period. **The established email system retention settings no longer cover the date range you've indicated.** We have found nothing to satisfy your request(s), no matter how the search parameters are manipulated, due to system retention constraints.

Emphasis added.

89. Defendants' counsel's e-mail to Mr. Holder suggests that responsive e-mails, such as those e-mails from blevey@washco-md.net, have been deleted or are otherwise unrecoverable.

90. Upon information and belief, Defendant Washington County cloud backup covers a period of at least three (3) years. The June 2020 Levey e-mail falls within this three (3) year period that computer back-ups are available to Defendants. Thus, upon information and belief, even if the requested e-mails from blevey@washco-md.net were deleted, Defendant County is presently able to retrieve said e-mails from its backup system.

91. Moreover, on Wednesday, December 23, 2020 at 2:44 p.m., and to avoid the prospect of the deletion of e-mails, Mr. Holder sent Defendant County correspondence specifically requesting the County to preserve all e-mails.

92. Defendants unlawfully withheld the Levey e-mail.

93. With respect to the Levey e-mail, Mr. Holder is a "person in interest". Thus, under Maryland law, Mr. Holder enjoys a favored status with respect to his requests.

94. Under GP § 4-351(b), Mr. Holder, as a "person in interest" is entitled to inspect records of which he is the subject unless production would:

> (1) interfere with a valid and proper law enforcement proceeding;
> (2) deprive another person of a right to a fair trial or an impartial adjudication;
> (3) constitute an unwarranted invasion of personal privacy;
> (4) disclose the identity of a confidential source;
> (5) disclose an investigative technique or procedure;
> (6) prejudice an investigation; or
> (7) endanger the life or physical safety of an individual.

95. Because a person in interest enjoys a favored status, a custodian of records must point out precisely which of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record and explain precisely why it would do so. *Blythe*, 161 Md. App. at 531.

96. Defendants' denials of Mr. Holder's repeated requests to inspect the County's records admit that he is a person in interest, but neither precisely state which, if any, of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record nor

explain precisely why Defendants would do so.

97. Defendants have failed to identify what, if any, investigation(s) or criminal proceedings(s) was/were pending against Mr. Holder at the time Defendants denied his requests. Upon information and belief, no investigation(s) or criminal proceedings(s) was/were pending against Mr. Holder which would give Defendants, or anyone else, lawful grounds to deny his requests.

98. Moreover, on or about July 14, 2021, Assistant State's Attorney, Kenneth Shapiro, produced document "discovery" to Mr. Holder's counsel prior to certain cases being called for trial the next day, July 15, 2021. None of the discovery produced by Mr. Shapiro included any of the e-mails at issue in this case, suggesting that the e-mails in question did/do not relate to any ongoing investigation or pending, valid and proper law enforcement proceeding.

99. But even if there were investigation(s) or criminal proceedings(s) pending against Mr. Holder which would give Defendants, or anyone else, lawful grounds to deny his requests, Defendants denial did not even claim, baldly or otherwise, that producing documents responsive to Mr. Holder's requests would "interfere" with a valid and proper law enforcement proceeding, "prejudice" any investigation or otherwise result in any harm.

100. Moreover, as a person in interest, Defendants could deny Mr. Holder's requests "only to the extent that the inspection would" invoke one of the seven grounds enumerated in GP § 4-351(b). Putting aside the aforementioned failures, Defendants also failed to honor their duty to produce segregated or redacted records in response to Mr. Holder's requests.

101. Moreover, Defendants denials did not aver that granting Mr. Holder's requests to inspect records would be contrary to the public interest. GP § 4-343.

102. Defendants' denial of Mr. Holder's requests to inspect records did not indicate that the denial was made only after careful consideration to the public interest involved.

103. Defendants' denial of Mr. Holder's request to inspect records did not carefully

balance the possible consequences of disclosure against the public interest in favor of disclosure.

104. Defendants' denial of Mr. Holder's request to inspect records neither provides Mr. Holder with a brief explanation of why the denial is necessary nor an explanation of why redacting information would not address the reasons for the denial.

105. Rather, Defendants denied Mr. Holder's request to inspect records on a purported basis of their own creation, not one of the seven (7) bases for denial enumerated in GP § 4-351(b).

106. Defendants violated Mr. Holder's right "to have access to information about the affairs of government and the official acts of public officials and employees." GP § 4-103(a).

107. Defendants violated the Maryland Public Information Act by refusing to permit Mr. Holder "to inspect any public record at any reasonable time." GP § 4-201(a).

108. There is no statutory exemption under the Maryland Public Information Act, or other law, that allows the Defendants to deny Mr. Holder's requests for inspection of public records or to deny Mr. Holder a copy, printout, or photograph of a public record.

109. Pursuant to GP §4-362(b), Defendants have "the burden of sustaining a decision to deny inspection of a public record" or to "deny [Mr. Holder] a copy, printout, or photograph of a public record." Defendants cannot sustain its/his burden because its/his decision to deny Mr. Holder's right to inspect the requested documentary materials is unlawful.

110. Defendants knowingly and willfully failed to disclose or fully to disclose a public record that Mr. Holder was entitled to inspect under the Maryland Public Information Act.

111. Defendants knowingly and willfully failed to provide a copy, printout, or photograph of a public record that Mr. Holder requested under § 4-205 of the Maryland Public Information Act.

112. After temporarily denying Mr. Holder inspection of a public record, Defendants failed to petition this court for an order to continue the denial.

COUNT 4: VIOLATION OF THE MARYLAND PUBLIC INFORMATION ACT ("MD PIA") (BRIGHT/MICHAEL E-MAILS)

113. Mr. Holder incorporates by reference the allegations set forth in the preceding paragraphs of this Complaint as if fully stated herein.

114. After the initiation of this lawsuit, Mr. Holder served Defendants with interrogatories asking them to "Identify all communications made by any Defendant or any of its employees, members or agents, related to the subject matter of this case. Such description should include but is not limited to the date, time, type of communication (e.g., phone call, memo, letter, etc.), parties to the communication and all information in business records or elsewhere, of the substance of the communication."

115. In response, Defendant County ultimately, but untimely, served Mr. Holder with written answers to interrogatories, which noted that four (4) e-mail communications exist (the "Bright/Michael e-mails") as follows:

(1) August 4, 2020 email from B. Andrew Bright to Joseph Michael, inquiring as to whether the responsive emails are records of an ongoing investigation;

(2) August 4, 2020 email from Joseph Michael to B. Andrew Bright, indicating that the records pertain to an ongoing investigation;

(3) October 14, 2020 email from B. Andrew Bright to Joseph Michael indicating that Plaintiff had renewed his request and inquiring as to the status of the associated investigation; and

(4) October 14, 2020 email from Joseph Michael to B. Andrew Bright informing him that Plaintiff was under pending criminal investigations, to which the communications relate.

116. Moreover, Defendant County, in its answers to interrogatories, admitted that the aforementioned four (4) Bright/Michael e-mails are "non-privileged communications."

117. On Thursday, June 30, 2022, at 4:07 p.m., Mr. Holder sent Defendant Downey and Defendants' counsel an e-mail requesting, "all emails between Honorable Deputy State's Attorney

(including Joseph Michael or Kenneth Shapiro); and now or former County Attorney B. Andrew Bright; sent or received on August 4th, 2020 and October 14, 2020; that contain any of the following words: 'Justin', 'Holder', 'Public', 'Information', 'Request', 'Investigation', 'Law' or 'Enforcement'."

118. As of the date of filing, Defendants unlawfully withheld the Bright/Michael e-mails.

119. With respect to the Bright/Michael e-mails, Mr. Holder is a "person in interest". Thus, under Maryland law, Mr. Holder enjoys a favored status with respect to his requests.

120. Under GP § 4-351(b), Mr. Holder, as a "person in interest" is entitled to inspect records of which he is the subject unless production would:

> (1) interfere with a valid and proper law enforcement proceeding;
> (2) deprive another person of a right to a fair trial or an impartial adjudication;
> (3) constitute an unwarranted invasion of personal privacy;
> (4) disclose the identity of a confidential source;
> (5) disclose an investigative technique or procedure;
> (6) prejudice an investigation; or
> (7) endanger the life or physical safety of an individual.

121. Because a person in interest enjoys a favored status, a custodian of records must point out precisely which of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record and explain precisely why it would do so. *Blythe*, 161 Md. App. at 531.

122. Defendants' denials of Mr. Holder's repeated requests to inspect the County's records admit that he is a person in interest, but neither precisely state which, if any, of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record nor explain precisely why Defendants would do so.

123. Defendants have failed to identify what, if any, investigation(s) or criminal proceedings(s) was/were pending against Mr. Holder at the time Defendants denied his requests.

Upon information and belief, no investigation(s) or criminal proceedings(s) was/were pending against Mr. Holder which would give Defendants, or anyone else, lawful grounds to deny his requests.

124. Moreover, on or about July 14, 2021, Assistant State's Attorney, Kenneth Shapiro, produced document "discovery" to Mr. Holder's counsel prior to certain cases being called for trial the next day, July 15, 2021. None of the discovery produced by Mr. Shapiro included any of the e-mails at issue in this case, suggesting that the e-mails in question did/do not relate to any ongoing investigation or pending, valid and proper law enforcement proceeding.

125. But even if there were investigation(s) or criminal proceedings(s) pending against Mr. Holder which would give Defendants, or anyone else, lawful grounds to deny his requests, Defendants denial did not even claim, baldly or otherwise, that producing documents responsive to Mr. Holder's requests would "interfere" with a valid and proper law enforcement proceeding, "prejudice" any investigation or otherwise result in any harm.

126. Moreover, as a person in interest, Defendants could deny Mr. Holder's requests "only to the extent that the inspection would" invoke one of the seven grounds enumerated in GP § 4-351(b). Putting aside the aforementioned failures, Defendants also failed to honor their duty to produce segregated or redacted records in response to Mr. Holder's requests.

127. Moreover, Defendants denials did not aver that granting Mr. Holder's requests to inspect records would be contrary to the public interest. GP § 4-343.

128. Defendants' denial of Mr. Holder's requests to inspect records did not indicate that the denial was made only after careful consideration to the public interest involved.

129. Defendants' denial of Mr. Holder's request to inspect records did not carefully balance the possible consequences of disclosure against the public interest in favor of disclosure.

130. Defendants' denial of Mr. Holder's request to inspect records neither provides Mr. Holder with a brief explanation of why the denial is necessary nor an explanation of why redacting

information would not address the reasons for the denial.

131. Rather, Defendants denied Mr. Holder's request to inspect records on a purported basis of their own creation, not one of the seven (7) bases for denial enumerated in GP § 4-351(b).

132. Defendants violated Mr. Holder's right "to have access to information about the affairs of government and the official acts of public officials and employees." GP § 4-103(a).

133. Defendants violated the Maryland Public Information Act by refusing to permit Mr. Holder "to inspect any public record at any reasonable time." GP § 4-201(a).

134. There is no statutory exemption under the Maryland Public Information Act, or other law, that allows the Defendants to deny Mr. Holder's requests for inspection of public records or to deny Mr. Holder a copy, printout, or photograph of a public record.

135. Pursuant to GP §4-362(b), Defendants have "the burden of sustaining a decision to deny inspection of a public record" or to "deny [Mr. Holder] a copy, printout, or photograph of a public record." Defendants cannot sustain its/his burden because its/his decision to deny Mr. Holder's right to inspect the requested documentary materials is unlawful.

136. Defendants knowingly and willfully failed to disclose or fully to disclose a public record that Mr. Holder was entitled to inspect under the Maryland Public Information Act. Indeed, Joseph Michael has disdain for Mr. Holder, openly describing him as a jackass, one of the biggest troublemakers in Washington County, and other derogatory terms..

137. Defendants knowingly and willfully failed to provide a copy, printout, or photograph of a public record that Mr. Holder requested under § 4-205 of the Maryland Public Information Act.

138. After temporarily denying Mr. Holder inspection of a public record, Defendants failed to petition this court for an order to continue the denial.

WHEREFORE, for each and every of the aforementioned Counts, Mr. Holder respectfully requests that this Court:

A. Assume jurisdiction over this matter pursuant to GP § 4-362;

B. Give this matter "precedence on the docket", a hearing "at the earliest practicable date" and expedite this matter "in every way" pursuant to GP § 4-362(c)(1)(i)-(iii);

C. Enjoin Defendants County, Kirk C. Downey and B. Andrew Bright from: (1) withholding the public records requested by Mr. Holder; or (2) withholding a copy, printout, or photograph of the public records requested by Mr. Holder;

D. Issue an order for the production of the public record or a copy, printout, or photograph of the public record that was withheld from Mr. Holder;

E. Order Defendants to waive all fees associated with disclosing and providing the requested records to Mr. Holder;

F. Order Defendants to fully comply with the Maryland Public Information Act in regards to future requests from Plaintiff Justin Kyle Holder;

G. Award Mr. Holder statutory damages for each violation not to exceed $1,000.00;

H. Award Mr. Holder actual damages that this court considers appropriate since Defendant(s) knowingly and willfully failed to disclose or fully to disclose a public record that Mr. Holder was entitled to inspect under the Maryland Public Information Act;

I. Award Mr. Holder actual damages that this court considers appropriate since Defendant(s) knowingly and willfully failed to provide a copy, printout, or photograph of a public record that Mr. Holder requested under § 4-205 of the Maryland Public Information Act;

J. Award Mr. Holder actual damages against Defendant Downey that the court considers appropriate for temporarily denying Mr. Holder inspection of a public record without petitioning this court for an order to continue the denial;

K. Find that Defendant Downey acted arbitrarily or capriciously in withholding the

public record or the copy, printout, or photograph of the public record, and send a certified copy of its finding to the appointing authority of the custodian;

L. Order that Mr. Holder has "substantially prevailed" in this action, award Mr. Holder litigation costs and reasonable attorneys' fees reasonably incurred in this action, as provided by GP § 4-362(g), and allow Mr. Holder thirty (30) days to submit application for his fees and costs related to this action; and/or

M. Grant any other relief this Court deems just and appropriate.

Respectfully submitted,

/s/
Jacob I. Weddle, Esq., CP # 0712120390
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Phone: (301) 206-5770
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Counsel for Plaintiff Justin Kyle Holder

CERTIFICATE REGARDING RESTRICTED INFORMATION

I HEREBY CERTIFY that this document does not contain any restricted information.

/s/
Jacob I. Weddle, Esq., CP # 0712120390

CERTIFICATE OF SERVICE

I, Jacob I. Weddle. Esq., certify that on August 1, 2022, I served the foregoing First Amended Complaint and comparison copy via MDEC filing system upon:

Kevin Karpinski, Esq.
Jason Parkins, Esq.
Karpinski, Cornbrooks & Karp, P.A.
120 East Baltimore Street, Suite 1850
Baltimore, Maryland 21202–1617
Counsel for Defendants

/s/
Jacob I. Weddle, Esq., CPF # 0712120390

E-FILED; Washington Circuit Court
Docket: 10/5/2022 12:23 PM; Submission: 10/5/2022 12:23 PM

JUSTIN KYLE HOLDER	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY, *et al.*	*	WASHINGTON COUNTY
	*	Case No.: C-21-CV-21-000097
Defendants	*	

* * * * * * * * * * * * * *

ANSWER PRESENTING DEFENSES TO THE FIRST AMENDED COMPLAINT

The BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, KIRK C. DOWNEY and B. ANDREW BRIGHT, Defendants, hereinafter referred to as "Defendants" or the "County," by KARPINSKI, CORNBROOKS & KARP, P.A. and KEVIN KARPINSKI, its attorneys, hereby answer the Complaint and says:

Rule 2-322(b) DEFENSES

1. The Complaint fails to state a claim upon which relief may be granted.

2. Plaintiff has failed to join necessary parties.

GENERAL DEFENSES

3. Defendants deny the allegations of liability asserted.

4. The case is moot.

AFFIRMATIVE DEFENSES

5. Plaintiff failed to provide notice to Defendants of his claims pursuant to the Local Government Tort Claims Act. *See* Md. Code, Courts and Judicial Proceedings § 5-301, *et seq.*

6. Defendants did not knowingly and willfully violate the Maryland Public Information Act.

ANSWER

7. Defendants admit that Mr. Holder is an adult resident of Washington County, Maryland, as set forth in paragraph 1.

8. Defendants admit that Mr. Holder is an "applicant" and may be a "person in interest" under the Maryland Public Information Act, as indicated in paragraph 2.

9. Defendants admit that the Washington County Board of County Commissioners is a political subdivision, as indicated in paragraph 3.

10. Defendants admit that Kirk C. Downey, Esq. is identified as the official custodian of records for Washington County in the Maryland Public Information Act Manual and is generally tasked with receiving and responding—on behalf of the County—to requests made under the PIA, as set forth in paragraph 4.

11. Defendants admit, in response to paragraph 5, that B. Andrew Bright, Esq. was the Assistant County Attorney at the time Mr. Holder made his request and that Mr. Bright was generally tasked with receiving and responding to PIA requests on behalf of the County.

12. Paragraph 6 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 9 which Defendants must admit or deny, they are denied.

13. Paragraph 7 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 9 which Defendants must admit or deny, they are denied.

14. Defendants incorporate by reference their previous answers and denials in response to paragraph 8.

15. Paragraph 9 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 9 which Defendants must admit or deny, they are denied.

16. Defendants admit that Washington County is a political subdivision of the State of Maryland and is required to comply with the PIA, as set forth in paragraph 10.

17. Defendants admit the allegations contained in paragraph 11.

18. Defendants admit the allegations contained in paragraph 12.

19. Defendants deny the allegations contained in paragraph 13.

20. Defendants deny the allegations contained in paragraph 14. Deputy State's Attorney, Joseph Michael, was an employee of the State of Maryland at all times relevant to the requests at issue in Count 1 of the Complaint.

21. Defendants admit the allegations contained in paragraph 15.

22. Defendants admit, in response to paragraph 16, that Mr. Holder responded in such a manner to Defendants' denial of Mr. Holder's PIA request. Defendants are without sufficient information concerning Mr. Holder's intent in requesting

those records and therefore, the remaining factual allegations in paragraph 16 are denied.

23. Defendants admit the allegations contained in paragraph 17.

24. Defendants admit, in response to paragraph 18, that Mr. Holder informed Defendants that a case pending against him in the District Court for Washington County, Maryland had been dismissed and renewed his initial PIA request. Defendants are without adequate information to admit or deny whether Washington County Sherriff Douglas W. Mullendore had confirmed to Mr. Holder that there was no active investigation pending against him, as set forth in paragraph 18, therefore, those allegations are denied.

25. Defendants admit the allegations contained in paragraph 19 to the extent it indicates that Defendants denied Mr. Holder's renewed PIA request. Defendants deny that, at the time of Mr. Holder's renewed PIA request, that there was no pending investigation against Mr. Holder.

26. Defendants admit the allegations contained in paragraph 20.

27. Defendants admit that, as set forth in paragraph 21, neither Mr. Bright nor Mr. Downey responded to Mr. Holder's request to identify the "specific investigation" upon which Defendants based their denial of Mr. Holder's PIA request.

28. Defendants admit that Mr. Holder contacted them on October 15, 2020 as set forth in paragraph 22.

29. Defendants admit the allegations contained in paragraph 23.

30. Defendants admit that Mr. Holder contacted Defendants on January 21, 2021 and re-made his previous request for records pertaining to Morral7@msn.com, as set forth in paragraph 24.

31. Defendants admit that Mr. Holder sent an email to Defendants on January 21, 2021 at 10:23 a.m., as set forth in paragraph 25. Defendants deny the allegations contained in paragraph 25 concerning whether the denial of Mr. Holder's request was unlawful.

32. Defendants admit the allegations contained in paragraph 26.

33. Defendants deny the allegations contained in paragraph 27.

34. Defendants deny the allegations contained in paragraph 28.

35. Defendants deny the allegations contained in paragraph 29.

36. Defendants deny the allegations contained in paragraph 30.

37. Defendants are without sufficient information to respond to paragraph 31 and therefore, deny the allegations contained therein.

38. Defendants admit that Mr. Holder contacted Defendants on January 21, 2021 as set forth in paragraph 32.

39. Defendants admit the allegations contained in paragraph 33.

40. Defendants are without sufficient information to respond to paragraph 34 and therefore, deny the allegations contained therein.

41. Defendants admit the allegations contained in paragraph 35.

42. Defendants admit the allegations contained in paragraph 36.

43. Paragraph 37 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual

allegations contained in paragraph 37 which Defendants must admit or deny, they are denied.

44. Paragraph 38 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 38 which Defendants must admit or deny, they are denied.

45. Paragraph 39 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 39 which Defendants must admit or deny, they are denied.

46. Defendants deny the allegations contained in paragraph 40.

47. Defendants admit, in response to paragraph 41, that Defendants have not identified the criminal investigations or proceedings that were pending against Mr. Holder at the time he made the PIA request. Defendants deny the allegations that no investigation or criminal proceedings were pending against Mr. Holder at the time he made his request, as set forth in paragraph 41.

48. Defendants deny the allegations contained in paragraph 42.

49. Paragraph 43 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 43 which Defendants must admit or deny, they are denied.

50. Defendants deny, as phrased, the allegations contained in paragraph 44.

51. Defendants deny, as phrased, the allegations contained in paragraph 45.

52. Defendants deny the allegations contained in paragraph 46.

53. Defendants deny the allegations contained in paragraph 47.

54. Defendants deny the allegations contained in paragraph 48.

55. Paragraph 49 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 49 which Defendants must admit or deny, they are denied.

56. Paragraph 50 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 50 which Defendants must admit or deny, they are denied.

57. Paragraph 51 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 51 which Defendants must admit or deny, they are denied.

58. Paragraph 52 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 52 which Defendants must admit or deny, they are denied.

59. Paragraph 53 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 53 which Defendants must admit or deny, they are denied.

60. Paragraph 54 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 54 which Defendants must admit or deny, they are denied.

61. Paragraph 55 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 55 which Defendants must admit or deny, they are denied.

62. Defendants incorporate by reference their previous answers and denials in response to paragraph 56.

63. Defendants admit the allegations contained in paragraph 57.

64. Defendants deny, as phrased, the allegations contained in paragraph 58.

65. Defendants admit the allegations contained in paragraph 59.

66. Paragraph 60 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 60 which Defendants must admit or deny, they are denied.

67. Defendants deny the allegations contained in paragraph 61.

68. Paragraph 62 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 62 which Defendants must admit or deny, they are denied.

69. Paragraph 63 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 63 which Defendants must admit or deny, they are denied.

70. Paragraph 64 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 64 which Defendants must admit or deny, they are denied.

71. Defendants deny, as phrased, the allegations contained in paragraph 65.

72. Defendants admit, in response to paragraph 66, that Defendants did not inform Mr. Holder of any specific proceedings or investigations pending against him at the time his PIA requests were denied. Defendants deny that no proceedings or investigations were pending against Mr. Holder at the time he made his PIA requests.

73. Defendants are without sufficient information to respond to paragraph 67 and therefore, deny the allegations contained therein.

74. Paragraph 68 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 68 which Defendants must admit or deny, they are denied.

75. Paragraph 69 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual

allegations contained in paragraph 69 which Defendants must admit or deny, they are denied.

76. Defendants admit the allegations contained in paragraph 70.

77. Defendants admit the allegations contained in paragraph 71.

78. Defendants deny the allegations contained in paragraph 72.

79. Defendants deny the allegations contained in paragraph 73, to the extent Mr. Holder contends that Defendants' denials of his PIA requests did not explain why the denial was necessary.

80. Defendants deny the allegations contained in paragraph 74.

81. Defendants deny the allegations contained in paragraph 75.

82. Paragraph 76 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 76 which Defendants must admit or deny, they are denied.

83. Paragraph 77 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 77 which Defendants must admit or deny, they are denied.

84. Paragraph 78 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 78 which Defendants must admit or deny, they are denied.

85. Defendants deny the allegations contained in paragraph 79.

86. Defendants deny the allegations contained in paragraph 80.

87. Defendants deny the allegations contained in paragraph 81.

88. Defendants incorporate by reference their previous answers and denials in response to paragraph 82.

89. Defendants admit the allegations contained in paragraph 83.

90. Defendants admit the allegations contained in paragraph 84.

91. Defendants deny, as phrased, the allegations contained in paragraph 85.

92. Defendants admit the allegations contained in paragraph 86.

93. Defendants deny, as phrased, the allegations contained in paragraph 87.

94. Defendants admit the allegations contained in paragraph 88.

95. Defendants admit the allegations contained in paragraph 89.

96. Defendants deny the allegations contained in paragraph 90.

97. Defendants deny, as phrased, the allegations contained in paragraph 91.

98. Defendants deny the allegations contained in paragraph 92.

99. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 93 and therefore, deny the allegations contained therein.

100. Paragraph 94 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 94 which Defendants must admit or deny, they are denied.

101. Paragraph 95 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual

allegations contained in paragraph 95 which Defendants must admit or deny, they are denied.

102. Defendants deny the allegations contained in paragraph 96.

103. Defendants admit, in response to paragraph 97, that Defendants did not inform Mr. Holder of any specific proceedings or investigations pending against him at the time his PIA requests were denied. Defendants deny that no proceedings or investigations were pending against Mr. Holder at the time he made his PIA requests.

104. Defendants are without sufficient information to respond to paragraph 98 and therefore, deny the allegations contained therein.

105. Defendants deny the allegations contained in paragraph 99.

106. Paragraph 100 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 100 which Defendants must admit or deny, they are denied.

107. Defendants deny the allegations contained in paragraph 101.

108. Defendants admit the allegations contained in paragraph 102.

109. Defendants deny the allegations contained in paragraph 103.

110. Defendants deny the allegations contained in paragraph 104.

111. Defendants deny the allegations contained in paragraph 105.

112. Paragraph 106 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual

allegations contained in paragraph 106 which Defendants must admit or deny, they are denied.

113. Paragraph 107 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 107 which Defendants must admit or deny, they are denied.

114. Paragraph 108 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 108 which Defendants must admit or deny, they are denied.

115. Paragraph 109 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 109 which Defendants must admit or deny, they are denied.

116. Defendants deny the allegations contained in paragraph 110.

117. Defendants deny the allegations contained in paragraph 111.

118. Defendants deny the allegations contained in paragraph 112.

119. Defendants incorporate by reference their previous answers and denials in response to paragraph 113.

120. Defendants admit the allegations contained in paragraph 114.

121. Defendants admit the allegations contained in paragraph 115.

122. Defendants admit the allegations contained in paragraph 116.

123. Defendants admit the allegations contained in paragraph 117.

124. Defendants deny the allegations contained in paragraph 118.

125. Paragraph 119 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 119 which Defendants must admit or deny, they are denied.

126. Paragraph 120 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 120 which Defendants must admit or deny, they are denied.

127. Paragraph 121 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 121 which Defendants must admit or deny, they are denied.

128. Defendants deny the allegations contained in paragraph 122.

129. Defendants deny the allegations contained in paragraph 123.

130. Defendants are without sufficient information to respond to paragraph 124 and therefore, deny the allegations contained therein.

131. Defendants deny the allegations contained in paragraph 125.

132. Paragraph 126 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 126 which Defendants must admit or deny, they are denied.

133. Defendants deny the allegations contained in paragraph 127.

134. Defendants deny the allegations contained in paragraph 128.

135. Defendants deny the allegations contained in paragraph 129.

136. Defendants deny the allegations contained in paragraph 130.

137. Defendants deny the allegations contained in paragraph 131.

138. Defendants deny the allegations contained in paragraph 132.

139. Defendants deny the allegations contained in paragraph 133.

140. Paragraph 134 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 134 which Defendants must admit or deny, they are denied.

141. Paragraph 135 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 135 which Defendants must admit or deny, they are denied.

142. Paragraph 136 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 136 which Defendants must admit or deny, they are denied.

143. Paragraph 137 does not contain any allegations of fact which Defendants are required to either admit or deny. To the extent there are any factual allegations contained in paragraph 137 which Defendants must admit or deny, they are denied.

144. Defendants deny the allegations contained in paragraph 138.

Respectfully Submitted,

KARPINSKI, CORNBROOKS & KARP, P.A.

By: /s/ Kevin Karpinski

KEVIN KARPINSKI
CPF #9312150114
120 East Baltimore Street
Suite 1850
Baltimore, Maryland 21202–1617
410-727-5000
Kevin@bkcklaw.com
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of October 2022, a copy of the forgoing was electronically filed, with notice to:

Jacob I. Weddle, Esquire
Gordon & Simmons, LLC
1050 Key Parkway
Suite 101
Frederick, Maryland 21702
Attorney for Plaintiff

/s/ Kevin Karpinski
Counsel for Defendant

E-FILED; Washington Circuit Court
Docket: 6/7/2021 2:25 PM; Submission: 6/7/2021 2:25 PM

JUSTIN KYLE HOLDER	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY, *et al.*	*	WASHINGTON COUNTY
	*	Case No.: C-21-CV-21-000097
Defendants	*	

* * * * * * * * * * * * * *

O R D E R

Upon consideration of the Board of County Commissioners for Washington County's Motion for Protective Order, Plaintiff's Opposition thereto, and Defendants' Reply, it is this 06/25/2021 day of _____, 2021, by the Circuit Court for Washington County, hereby

ORDERED that Defendant's Motion for Protective Order is **GRANTED**; and it is further

ORDERED that Defendants are permitted to defer responding to Plaintiff's discovery requests until after this Court resolves Defendants' Motions to Dismiss or, in the Alternative, for Summary Judgment.

06/25/2021 9:35:37 PM

Judge, Circuit Court for Washington County
Dana Moylan Wright

Entered: Clerk, Circuit Court for Washington County, MD
June 28, 2021

E-FILED; Washington Circuit Court
Docket: 7/19/2021 5:00 PM; Submission: 7/19/2021 5:00 PM

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
	*	
Plaintiff	*	
	*	
v.	*	
	*	**Case No. C-21-CV-21-000097**
BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY, *et al.*,	*	
	*	
Defendants	*	
	*	

****

PROPOSED ORDER

UPON CONSIDERATION OF Plaintiff Justin Kyle Holder's Motion to Strike Affidavit and any Reply thereto, it is this 21st day of July, 2021 hereby

ORDERED that the affidavit of Depute State's Attorney Joseph Michael affixed as Exhibit B to Defendant Washington County Board of County Commissioners' Motion to Dismiss or, In the Alternative, for Summary Judgment and the supplemental affidavit submitted by him be and are hereby **STRICKEN**.

SO ORDERED.

Judge,
Circuit Court for Washington County

Entered: Clerk, Circuit Court for
Washington County, MD
July 21, 2021

E-FILED; Washington Circuit Court
Docket: 5/18/2021 4:56 PM; Submission: 5/18/2021 4:56 PM

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
	*	
Plaintiff	*	
	*	
v.	*	
	*	**Case No. C-21-CV-21-000097**
BOARD OF COUNTY COMMISIONERS, WASHINGTON COUNTY, *et al.*,	*	
	*	
Defendants	*	
	*	

****

[PROPOSED] ORDER

UPON CONSIDERATION OF Defendants' Motion to Dismiss or, In the Alternative, For Summary Judgment and Memorandum of Law in support thereof, and Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss or, In the Alternative, For Summary Judgment, and any reply thereto, on this 21st day of July, 2021,

It is hereby **ORDERED** that Defendants' Motion is **DENIED.**

SO ORDERED.

Judge, Circuit Court of Maryland

cc:
All counsel of record

Entered: Clerk, Circuit Court for
Washington County, MD
July 21, 2021

E-FILED Washington Circuit Court 8/31/2021 8:12 AM System System
E-FILED; Washington Circuit Court
Docket: 8/31/2021 8:12 AM; Submission: 8/31/2021 8:12 AM

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
	*	
Plaintiff	*	
	*	
v.	*	
	*	**Case No. C-21-CV-21-000097**
BOARD OF COUNTY COMMISIONERS, WASHINGTON COUNTY, *et al.*,	*	
	*	
Defendants	*	
	*	

****

[PROPOSED] ORDER

UPON CONSIDERATION OF Defendants' Motion to Extend the Court's June 25, 2021 Protective Order, Plaintiff's Opposition to Defendants' Motion to Extend the Court's June 25, 2021 Protective Order, and any reply thereto, on this 08/30/2021 day of _____, 2021,

It is hereby **ORDERED** that Defendants' Motion

granted and the Protective Order previously entered is hereby extended until after the Court rules on the Motion to Alter or Amend.

08/30/2021

08/30/2021 11:32:45 AM

Judge, Circuit Court of Maryland

Dana Moylan Wright

cc:
All counsel of record

Entered: Clerk, Circuit Court for
Washington County, MD
August 31, 2021

E-FILED Washington Circuit Court 8/31/2021 11:43 AM System System
E-FILED; Washington Circuit Court
Docket: 8/31/2021 11:36 AM; Submission: 8/31/2021 11:43 AM

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
	*	
Plaintiff	*	
	*	
v.	*	
	*	**Case No. C-21-CV-21-000097**
BOARD OF COUNTY COMMISIONERS, WASHINGTON COUNTY, *et al.*,	*	
	*	
Defendants	*	
	*	

****

[PROPOSED] ORDER

UPON CONSIDERATION OF Defendants' Motion to Alter or Amend the Court's July 21, 2021 Order Granting Plaintiff's Motion to Strike, Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Alter or Amend the Court's July 21, 2021 Order Granting Plaintiff's Motion to Strike, and any reply thereto, on this 31st of August, 2021,

ORDERED, that the Defendant, having continued to fail to carry its burden on the Motion for Summary Judgment by failing to correct the supporting affidavit to the satisfaction of this Court, the Motion to Alter or Amend the Order to Strike be and is hereby DENIED.

Judge, Circuit Court of Maryland
Mark K. Boyer

cc:
All counsel of record

Entered: Clerk, Circuit Court for
Washington County, MD
August 31, 2021

E-FILED Washington Circuit Court 8/31/2021 11:47 AM System System
E-FILED; Washington Circuit Court
Docket: 8/31/2021 11:39 AM; Submission: 8/31/2021 11:49 AM

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
	*	
Plaintiff	*	
	*	
v.	*	
	*	**Case No. C-21-CV-21-000097**
BOARD OF COUNTY COMMISIONERS, WASHINGTON COUNTY, *et al.*,	*	
	*	
Defendants	*	
	*	

****

[PROPOSED] ORDER

UPON CONSIDERATION OF Defendants' Motion to Alter or Amend the Court's July 21, 2021 Order Denying the County's Motion for Summary Judgment, Plaintiff's Memorandum of Law in Opposition to Motion to Alter or Amend the Court's July 21, 2021 Order Denying the County's Motion for Summary Judgment, and any reply thereto, on this 31st of August, 2021 ,

It is hereby **ORDERED** that Defendants' Motion is **DENIED** , the affidavit upon which Defendant relies being defective as not clearly based upon personal knowledge.

Judge, Circuit Court of Maryland
Mark K. Boyer

cc:
All counsel of record

Entered: Clerk, Circuit Court for
Washington County, MD
August 31, 2021

E-FILED Washington Circuit Court 9/20/2022 3:32 PM System System
E-FILED; Washington Circuit Court
Docket: 9/20/2022 3:32 PM; Submission: 9/20/2022 3:32 PM

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
	*	
Plaintiff	*	
	*	
v.	*	
	*	**Case No. C-21-CV-21-000097**
BOARD OF COUNTY COMMISIONERS, WASHINGTON COUNTY, *et al.*,	*	
	*	
Defendants	*	
	*	

****

[PROPOSED] ORDER

UPON CONSIDERATION OF Defendants' Motion to Strike the Amended Complaint, Motion to Dismiss the Amended Complaint or, in the Alternative, Motion for Summary Judgment, Mr. Holder's Memorandum of Law in Opposition thereto, and any reply and/or oral argument thereon, it is, on this 20th day of September, 2022, hereby:

ORDERED that Defendants' Motion to Strike the Amended Complaint, Motion to Dismiss the Amended Complaint or, in the Alternative, Motion for Summary Judgment is **DENIED.**

Judge, Circuit Court of Maryland for Washington County

M. Kenneth Long, Jr
09/20/2022 1:52:27 PM

cc:
All counsel of record

Entered: Clerk, Circuit Court for
Washington County, MD
September 20, 2022

E-FILED; Washington Circuit Court
Docket: 3/29/2022 4:47 PM; Submission: 3/29/2022 4:47 PM

JUSTIN KYLE HOLDER	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY, *et al.*	*	WASHINGTON COUNTY
	*	Case No.: C-21-CV-21-000097
Defendants	*	

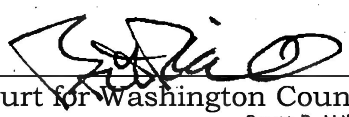
* * * * * * * * * * * * * *

ORDER

Upon consideration of Plaintiff Justin Kyle Holder's Motion for Immediate Sanctions, or Alternatively, Motion to Compel, and Defendants' opposition thereto, it is this _____ day of 26th of August, 2022, 2022 by the Circuit Court for Washington County, hereby

ORDERED, that Plaintiff Justin Kyle Holder's Motion for Immediate Sanctions, or Alternatively, Motion to Compel **BE** and is hereby **DENIED.**

08/26/2022 4:01:09 PM



Judge, Circuit Court for Washington County
Brett R. Wilson

Entered: Clerk, Circuit Court for
Washington County, MD
August 29, 2022

E-FILED; Washington Circuit Court
Docket: 7/12/2022 4:24 PM; Submission: 7/12/2022 4:24 PM

JUSTIN KYLE HOLDER	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BOARD OF COUNTY CMM'RS WASHINGTON COUNTY, et al.	*	WASHINGTON COUNTY
	*	Case No.: C-21-CV-21-000097
Defendants	*	

* * * * * * * * * * * * * *

O R D E R

Upon consideration of the Motion to Quash Subpoena(s) and Notices of Depositions and Motion for Protective Order filed by the Board of County Commissioners for Washington County, any response or opposition thereto, it is this 28th of July, 2022 day of _____, 2022, hereby:

ORDERED, the Board of County Commissioners for Washington County Motion to Quash Subpoena(s) and Notices of Depositions and Motion for Protective Order is hereby **GRANTED**; and it is further

ORDERED that any subpoenas and/or notices of depositions issued to the Washington County Board of County Commissioners, Joshua O'Neil, Kirk C. Downey, are hereby **QAUSHED**; and it is further

ORDERED that Plaintiff shall not be entitled to depose any of the individuals identified above. Written findings will be submitted at a later date.
07/28/2022 7:52:43 AM

Judge Brett R. Wilson
Circuit Court for Washington County

Entered: Clerk, Circuit Court for
Washington County, MD
July 28, 2022

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

IN THE MATTER OF *

JUSTIN KYLE HOLDER * **CASE NO. C-21-CV-000097**

*

*

TRANSCRIPT OF PROCEEDINGS

(BENCH OPINION)

Circuit Court

Hagerstown, MD

January 25, 2024, at 1:34 p.m.

Before:

The Honorable Richard E. Jordan, Judge

Appearances:

Jacob I. Weddle, Esquire, attorney for Petitioner, Justin Kyle Holder; and

Kevin Karpinski, Esquire, attorney for Respondents.

Transcribed from electronic recording by:

Linde M. Cessna, Court Reporter

Circuit Court for Washington County, Maryland

The Court House

Hagerstown, Maryland 21740

240-313-2564

P R O C E E D I N G S

THE COURT: Good afternoon, please have a seat.

MR. KARPINSKI: Good afternoon, Your Honor.

THE COURT: I'll ask our Clerk to call the case because I did not bring out the case number on the documents that I have.

CLERK: Case number C-21-CV-21-000097, Justin Holder versus Washington County Board of County Commissioners.

THE COURT: Okay. Counsel, could you identify please?

MR. WEDDLE: Good afternoon, Your Honor, Jacob Weddle on behalf of the Plaintiff, Justin Holder.

MR. HOLDER: Good afternoon, Your Honor.

MR. KARPINSKI: Good afternoon, Your Honor. Kevin Karpinski on behalf of the Defendants.

THE COURT: Okay. Good afternoon, everybody. Thank you for being here. And I'll again say for the work that counsel in particular have done in this case in presenting it and obviously in preparing for it for trial, my ruling is going to be fairly brief.

This is a case involving the Public Information Act under Maryland law, as appropriately pointed out by Mr. Weddle, the Public Information Act is to provide for disclosure of government records, public documents, there are exceptions to that, that are reasons not to disclose

such documents. It has been discussed in great detail at the trial. The Court is cognizant of the fact that there is an intent under the law to be, to in favor of disclosure. The Court is aware that the Defense, if you will, or Respondents, however you look at it, have the burden of proof in responding to requests for what is considered to be or alleged to be public information.

Mr. Holder asserts that he under the act is entitled to documents and damages and, statutory damages, actual damages and attorney's fees. He specifically refers to certain types of documents such as the, it's called the Bright-Michael emails, in that regard that there is sought one thousand dollars in the statutory damages plus possible attorney's fees.

Mr. Holder also seeks the Levy Morral emails involving the Sheriff's Department. Apparently received both the Bright-Michael emails as well as the Levy Morral emails but did not obtain the attachments. The Respondent says that those attachments are not available. That there were at least twenty-five thousand or so, if not more, emails in Mr. Levy's account. And that what is asserted to be as a defense is reasonable and diligent efforts to obtain any emails among those many emails that were responsive to the request. There is also a request for Morral email to Keedysville that apparently was

produced around August of ’21, involving a criminal investigation. Those were also obtained. I’ll talk to you about that in a moment. He also is requesting Morral and Michael emails, that’s Count 1, which were denied, at least initially under the defense that they involved matters related to the prosecution or ongoing investigation. Among the assertions by Mr. Holder in that regard is the contention that those items were *Brady* material. The Court would observe that *Brady* would apply to the State’s Attorney’s Office but not to the County. And I’ll go on further in that regard in a moment.

I should back up a bit and make it clear that the parties to this case are Washington County, as well as, Kirk Downey and Andrew Bright, who are either, I believe Mr. Downey was the custodian, Mr. Bright was the Assistant County Attorney. I would note that those two individuals have been apparently sued in their individual capacity and not in their, not to mention they were in those roles, the suit is framed against them as individuals. That is not fully determined in this case but I think it is worth mentioning and any claim against them even in the light most favorable to Mr. Holder, should have been solely in their capacities as their employment.

There are responses of course as everybody is well

aware from the Defendant/Respondents. In essence, what I see is most pertinent is that it is maintained by the Defendants/Respondents, that all of the documents that could be produced that were identified rather than being unknown or unidentifiable indulgent efforts to discover them were provided. Mr. Holder appears to the Court to take the position that there was non-disclosure, although he admits that he did receive the documents that are the subject of this suit.

Respect to Count 1 of his Amended Complaint, he says he got the documents five and half months after litigation. It says that Count 2, that's the Morral Keedysville documents, that they should have been obtained sooner. With respect to the Levy emails, they had those documents, that document or documents but not the attachments. And that with respect to the Bright documents, that they were subject to a discovery dispute, they were resolved through discoveries the Court understand the evidence.

So, bottom line, the Court sees with respect to this case is that there is not failure to obtain documents but a delay in obtaining documents. And on that the Defendant seeks statutory damages and actual damages as well as attorney's fees.

The Court has to look at this case as it was in

circumstances at trial and for that matter at trial was very much the same as well before trial. And even in putting aside the defenses that have been raised that Mr. Holder seeks damages for delayed delivery of documents whether it be through discovery or otherwise. The Court does not find under the statute that mere delay is sufficient for statutory damages. That the Defendant, or Mr. Holder, has not proven actual damages. As a matter of fact, if I remember correctly from the second or the First Amended Complaint, there's not even an allegation of damages. I could be wrong in that recollection. But at any rate, the Court finds that there is a deficiency of evidence with respect to actual damages. And a mere delay not equivalent to quote "a failure to disclose" as alleged.

Also in this case, there was much discussion about discovery issues that were proceeded with in the (unintelligible) of a PIA claim. Discovery disputes, the Court finds, are not appropriate for the claim under the PIA. That looking at the context of litigation that the appropriate response if there had not by then been some documents produced had they be pursued by discovery and a discovery dispute has potentially its own remedies if a court finds that discovery has not been properly provided.

So, Court finds first of all, that response to the document request that the documents were received even if delayed. That the delay in disclosure did not cause actual damages or justify statutory damages. That the being the case, Mr. Holder has not prevailed in the context of attorney's fees. I recognize that he takes the position, well what do I do when I'm already in suit and I get the documents and well at that point I'm in for a penny in for a pound. I disagree with that. I believe the appropriate response at that point was to acknowledge that the purpose of the lawsuit or the documents sought under the lawsuit had been obtained even with the delay. Now, could there have been a legitimate claim for some kind of negligence in the delay? Not under the PIA. Just pure negligence. Because of the delay or reflective of the delay was that the County did not act diligently enough and then try to present damages as to what that lack of diligence might have been such as, hey, you know, I had to file suit but for sued I wouldn't have gotten some of these things. Some of them I obtained before but they were late.

The bottom line is we looked at the circumstances that exist at the time of trial. And as I started to say, perhaps Mr. Holder could have contended that with respect to the documents that the delayed production was

negligent. The Defense could be denying negligent or not negligent. But at any rate then prove such a claim where pursued Mr. Holder could attempt to prove that he was actually damaged. For instance, if there, because of a delay, he had not been able to identify a witness that say passed away so he couldn't have taken their deposition. Or less extreme than that, just other circumstances that if he had known could have changed the complexion of his situation. In this case, the Court does not find as I said that there is a violation of PIA and the issue of whether there was negligence or some other cause of action based upon the delayed production is not before the Court. I only point that out perhaps unwisely since it's not before me but only point that out as an example of the fact that I do not believe, the Court does not believe that Mr. Holder was without some kind of cause of action based upon delayed disclosure.

So, for those reasons and reflective also that Mr. Holder failed to prevail the Court will award no damages to Mr. Holder nor attorney's fees and finds in favor of the Defendants/Respondents in this case.

Okay, so, thanks very much.

MR. HOLDER: Thank you, Your Honor.

THE COURT: Thank you.

END OF PROCEEDINGS AT 1:49 P.M.

√ Digitally signed by Linde M. Cessna

DIGITALLY SIGNED CERTIFICATE

I HEREBY CERTIFY that I reported verbatim by electronic device the proceedings I the Matter of Justin Holder, Case No. C-21-CV-21-000097 in the Circuit Court for Washington County, on January 25, 2024, before the Honorable Richard E. Jordan, Judge.

I further certify that the proceedings were transcribed by me to the best of my ability in a complete and accurate manner, and page numbers 1 through 8 constitute the official transcript of the proceedings.

In witness whereof, I have affixed my signature this 7th day of February, 2024.

Linde M. Cessna

Linde M. Cessna
Court Reporter

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JUSTIN HOLDER Plaintiff	:	
vs.	:	**Case No.: C-21-CV-21-000097**
BOARD OF COUNTY COMMISSIONERS WASHINGTON COUNTY, et al., Defendants	:	

MEMORANDUM OPINION ORDER and JUDGMENT

This case is before the Court on Plaintiff Justin K. Holder's claims under the Maryland Public Information Act ("MPIA"). He contends that the MPIA was violated by Defendants Washington County Commissioners and the individual defendants Kirk Downey and Andrew Bright by their failure to provide, or at least to provide within 30 days, certain documents of the Office of the State's Attorney and other government documents requested by him.

As articulated on the record and as stated below, the Court finds in favor of the Defendants in this case.

Plaintiff Holder seeks actual and statutory damages in connection with his claims under the MPIA. Those claims must rely on the alleged delay in disclosure of documents because they were actually produced well before trial or even prior to the filing of his Complaints. Technically, therefore, the Plaintiff's request for documents was moot as to those documents. The Court perceives that Plaintiff then pursued a course of action in the hope of obtaining obtain attorney's fees and statutory damages. To refine the oral opinion stated previously, the Court recognizes that the delay in production can be a

Entered: Clerk, Circuit Court for
Washington County, MD
April 15, 2024

violation of the MPIA, but the Court focuses on the bottom line of the issue of damages. In essence, without damages there is no viable case. Here, the delay does not warrant damages – first, because the Plaintiff has failed to prove any actual damages and, second, because the Court declines to exercise its discretion to award statutory damages (capped at $1,000). Because the Plaintiff has not prevailed in this matter, he is not entitled to have the Court award attorney's fees.

The Court also notes that an independent reason for its decision is that the Court finds convincing by a preponderance of the evidence the defenses set forth to Plaintiff's claims. Washington County was the depository of records of other entities, such as the Washington County State's Attorney's Office, but appropriately was not the decision-maker with respect to the release and timing of the requested records. That Office is a State, not County, entity and has an individual designated to entertain Public Information requests – the State's Attorney is not a party to this case and Plaintiff did not request from its designated Public Information Act individual. Also, at the time of Plaintiff's request for State's Attorney documents there was as to them then a legitimate criminal investigation by the State's Attorney's Office relating to those records (reason under the Maryland Public Information Act to deny production).

The Court also notes that Kirk Downey and Andrew Bright were sued as individuals and not in their capacity as government officials – an independent basis upon which they cannot be held personally liable in this case.

Furthermore, the Court notes that much, if not all, of the time relevant to this case occurred during the Covid-19 pandemic when government operations were quite limited,

thus reasonably adding to delays in production. Finally, not having prevailed or proven actual damages and the Court declining to award statutory damages, the Court finds it inappropriate to award attorney's fees to the Plaintiff in this case.

Specifically, Holder requested the following:

Count One (the Moral – Michael emails). These were records of State's Attorney's Office from May 19, 2020 and were requested on August 3, 2020 from Washington County within whose computers they were stored. The request was not made of the State's Attorney's office (a State entity), which, as State records show, had a specific person designated to receive such requests. Ultimately, however, the documents that were able to be identified were provided. Until then, the denial of the documents was in good faith by the County, which had no interest in the dispute and is not the proper party to this action. At best, the State's Attorney would have been the appropriate party, but it is not a party to this action. The Court finds that the County, aside from not being the appropriate party if any, has proven its decision/defenses regarding these documents and did not act willfully and intentionally (during the Covid epidemic in delaying the release of documents).

Count Two (June 24, 2020 Morral email to Keedysville, MD and others): Plaintiff acknowledges that these documents were produced but should have been produced sooner. In fact, they had been produced in 2021, well before this Count was filed in the Amended Complaint in August 2022. If not moot, the delay in production does warrant adverse action against the Defendants.

Count Three (June 20, 2020 Levy / Morral email): Sheriff's Office document maintained by Washington County and received by Plaintiff but without attachments. The

County convincingly defended this claim with evidence that those attachments could not be identified among the tens of thousands of emails in its records and, therefore, could not be produced. Plaintiff's response that a preservation letter should have preserved those documents was not specific enough to defeat the County's defense.

Count Four (Bright-Michael emails): State's Attorney records held by the County server that were a subject of discovery requests but were transformed by Plaintiff into a MPIA claim rather than a discovery dispute. Defendants produced convincing evidence that the documents were not intentionally withheld – understandable here with a Plaintiff excessively litigious under the MPIA in this and other claims.

Therefore, it is this **14th** day of **February 2024**, by the Circuit Court for Washington County, Maryland, hereby:

ORDERS that the Court finds against Plaintiff Justin Holder as to all claims; and hereby enters

ORDERS that the Clerk shall enter **JUDGMENT** against Plaintiff Justin Holder and in favor of Defendants Board of County Commissioners, Washington County, Kirk Downey, and Andrew Bright.

RICHARD E. JORDAN, Senior Judge
Sitting in the Circuit Court for Washington
County, MD

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JUSTIN HOLDER Plaintiff/Petitioner	:	
vs.	:	**Case No.: C-21-CV-21-000097**
BOARD OF COUNTY COMMISSIONERS WASHINGTON COUNTY, et al., Defendants/Respondents	:	

ORDER

Having considered Plaintiff/Petitioner's Motion to Alter or Amend Judgment and the Opposition thereto, it is this **15th** day of **July 2024** hereby:

ORDERED that Plaintiff/Petitioner's Motion to Alter or Amend Judgment is **DENIED**.

RICHARD E. JORDAN, Senior Judge
Sitting in the Circuit Court for Washington County, MD

RECEIVED
AUG - 1 2024
KEVIN R. TUCKER, CLERK
Entered By_____

E-FILED; Washington Circuit Court
Docket: 5/3/2021 3:36 PM; Submission: 5/3/2021 3:36 PM

IN THE CIRCUIT COURT
FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
Plaintiff	*	
v.	*	Case No.: C-21-CV-21-000097
BOARD OF COUNTY COMISSIONERS, WASHINGTON COUNTY, *et al.*	*	
Defendants	*	

* * * * * * * * * * * * * *

AFFIDAVIT OF B. ANDREW BRIGHT, ESQ.

I hereby affirm under the penalties of perjury that I am over eighteen (18) years of age, competent to testify, have personal knowledge of the facts and circumstances set forth below, and that all such facts and circumstances are true:

1. I am currently employed as the Assistant County Attorney of Washington County.

2. In my role, I received and reviewed a request, made under the Public Information Act, by Justin Kyle Holder.

3. I have been informed by the Deputy State's Attorney that the records requested by Mr. Holder pertain to an open investigation being conducted by the State's Attorney's Office.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true to the best of my knowledge and belief.

April 20, 2021
Date

B. Andrew Bright
Assistant County Attorney
Washington County, Maryland

EXHIBIT A

E-FILED; Washington Circuit Court
Docket: 8/19/2022 4:13 PM; Submission: 8/19/2022 4:13 PM

IN THE CIRCUIT COURT
FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
Plaintiff	*	
v.	*	Case No.: C-21-CV-21-000097
BOARD OF COUNTY COMISSIONERS, WASHINGTON COUNTY, *et al.*	*	
Defendants	*	

* * * * * * * * * * * * * *

AFFIDAVIT OF B. ANDREW BRIGHT, ESQUIRE

I hereby affirm under the penalties of perjury that I am over eighteen (18) years of age, competent to testify, have personal knowledge of the facts and circumstances set forth below, and that all such facts and circumstances are true:

1. At all times relevant to this case, I was employed as the Assistant County Attorney of Washington County.

2. In my role, I received and reviewed a request made under the Maryland Public Information Act on August 3, 2020, by Justin Holder ("Holder"), in which he requested "all email correspondence [sic] from the following email address Morral7@msn.com and any sheriff, deputy, county official from May 19th to present." I also received and reviewed Mr. Holder's renewed request that the County received on November 14, 2020, in which he renewed his prior request and sought the same records.

Exhibit A

3. The County's IT staff conducted a search of the email servers that the County maintains, which revealed sixteen emails that were responsive to Holder's request between the above referenced email address and the State's Attorney's Office for Washington County.

4. On August 4, 2020, I sent an email correspondence to Joseph Michael, the Deputy State's Attorney for Washington County, informing him of the responsive records that the County's search uncovered. In said correspondence, I inquired as to whether the emails constitute records of ongoing investigations under Maryland Code, General Provisions Article § 4-351.

5. On that same day, *i.e.*, August 4, 2020, Mr. Michael informed me that the records relate to an ongoing investigation in which criminal charges were pending, and that releasing said emails would interfere with an ongoing criminal investigation.

6. When an agency receives a PIA request for records it obtained from the investigatory files of another agency, it is appropriate for the agency to withhold investigatory materials if the agency that provided the information would itself deny access under the investigatory records exemption. 89 Op. Atty Gen. 31, 44 (2004).

7. Because Mr. Michael informed me that the records related to an open investigation in which criminal charges were pending, at the time of Holder's requests, I was required to deny Holder's requests on this basis under Maryland Code, General Provisions Article § 4-351.

Exhibit A

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing are true.

9/28/2021
Date

B. Andrew Bright
Assistant County Attorney
Washington County, Maryland

Exhibit A

E-FILED; Washington Circuit Court
Docket: 3/16/2022 4:24 PM; Submission: 3/16/2022 4:24 PM

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
	*	
Plaintiff	*	
	*	
v.	*	
	*	**Case No. C-21-CV-21-000097**
BOARD OF COUNTY	*	
COMMISIONERS,	*	
WASHINGTON COUNTY, *et al.*,	*	
	*	
Defendants	*	
	*	

****

RULE 2-501(d) AFFIDAVIT

1. My name is Justin Kyle Holder. I am over eighteen (18) years old, and I am competent to testify to the facts set forth in this Affidavit, which are based upon my personal knowledge.

2. On August 3, 2020, I submitted a written application to Defendants Kirk C. Downey and B. Andrew Bright, County Attorneys for Washington County, requesting to inspect "all email correspondence from the following email address 'Morral7@msn.com' and any sheriff, deputy, county official from May 19th to present."

3. On August 4, 2020, Defendant Bright responded, indicating that pursuant to GP § 4-351 he was permitted to deny inspection to a person in interest of records of investigations conducted by a State's Attorney, and that the records requested were records of an ongoing investigation.

4. Since that August 4, 2020 communication, and despite the exchange of numerous communications since, neither Defendant Bright, Defendant Downey nor any official with Washington County has disclosed any additional information regarding the documents requested, or even the manner by which they were determined to be exempt.

5. Given the vague and general nature of Defendants' responses to my numerous requests, and the failure to offer any clarification into the basis for their denial beyond perfunctory references to GP § 4-351, I require the opportunity to engage in discovery regarding, but not limited to:

- The nature of the documents held and determined to fall within the scope of my request;
- The methods by which Defendants determined that an exemption applied;
- The extent to which there exist documents that are severable from those falling within any properly cited exemption; and
- Such further information as is necessary to determine that all information legally disclosable under the Maryland Public Information Act is made available for inspection.

6. For these reasons, factual material necessary to the proper disposition of my claim remains outstanding. As such, an opportunity to perform discovery is required, and summary judgement cannot be entered at this time.

I DO SOLEMNLY SWEAR AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE AND CORRECT.

Justin Kyle Holder

E-FILED; Washington Circuit Court
Docket: 7/20/2021 11:36 AM; Submission: 7/20/2021 11:36 AM

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
Plaintiff	*	
v.	*	
	*	**Case No. C-21-CV-21-000097**
BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY, *et al.*,	*	
Defendants	*	

****

AFFIDAVIT OF PLAINTIFF JUSTIN KYLE HOLDER

I, Justin Kyle Holder, am over 18 years of age, competent to testify, and have personal knowledge of the facts set forth herein:

1. I am the plaintiff in the above-captioned action between myself and the Board of County Commissioners for Washington County, as well as Defendants Kirk D. Downey and B. Andrew Bright.

2. Per the documents attached as **Exhibit 1**, to my knowledge there are no criminal proceedings pending against me at this time.

3. To my knowledge, any and all pending criminal proceedings against me were resolved or otherwise dismissed on July 15, 2021.

I SOLEMNLY AFFIRM UNDER THE PENALITES OF PERJURY AND UPON PERSONAL KNOWLEDGE THAT THE CONTENTS OF THIS DOCUMENT ARE TRUE.

Justin K. Holder

7-14-2021
Date

E-FILED; Washington Circuit Court
Docket: 6/5/2023 4:51 PM; Submission: 6/5/2023 4:51 PM
Envelope: 12961331

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
	*	
Plaintiff	*	
	*	
v.	*	
	*	**Case No. C-21-CV-21-000097**
BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY, *et al.*,	*	
	*	
Defendants	*	
	*	

****

AFFIDAVIT OF JUSTIN K. HOLDER

1. My name is Justin K. Holder and I am over 18 years of age having personal knowledge of the acts set forth herein and am competent to testify.
2. On September 11, 2020 and in accordance with Md. Rule 4-262, I requested, by and through my agent Adam D. Grievell, Esq., from Deputy State's Attorney Joseph Michael, all witness statements contained within an investigative report.
3. On July 14, 2021, by and through my attorney David Harbin, Esq., I asked Assistant State's Attorney Kenneth J. Shapiro, Esq., to kindly "…confirm that we have received all discovery in the State's possession?" *See* Am. Compl., ¶¶34, 67, 98, 124.
4. On July 14, 2021, I was advised by Assistant State's Attorney Kenneth J. Shapiro, Esq., by and through my attorney David Harbin, Esq., that:

   > You've received the charging document in each case and I think, but don't know if you received the attached photographs, text messages, and maps. If not, as I noted, it is attached. That is the only other discovery I have other than the charging documents.

5. While I was provided other discovery, I was not provided with any emails between Christine Morral and Deputy State's Attorney Joseph Michael, Esq., by Deputy State's

Michael, Assistant State's Attorney Kenneth J. Shapiro, Esq., or any other representative of the State's Attorney Office, in response to my request for discovery in accordance with Md. Rule 4-262.

6. According to then Assistant Washington County Attorney, B. Andrew Bright, Esq., that the Michael/Morral E-mails were written statements and part of the investigatory file, which would be provided to me in response to my request in accordance with Md. Rule 4-262. However, the State's Attorney's failure to provide the Michael/Morral E-mails at issue in this case suggests that those e-mails did not/do not relate to any ongoing investigation or pending, valid and proper law enforcement proceeding, as Defendants have maintained throughout this case. *See* Am. Compl., ¶¶34, 67, 98, 124.
7. On July 15, 2021, I entered into an "Alford" plea bargain with the State's Attorney in which I relied on the facts represented to me by Assistant State's Attorney Kenneth J. Shapiro, Esq., and/or Deputy States Attorney Joseph Michael, Esq., that I had received all discovery required to be produced. That discovery did not include any of the Michael/Morral E-mails at issue in this litigation.
8. On July 15, 2021, I was ordered to pay a fine and costs of $350 as a direct result of the "Alford" plea bargain. As a condition of probation, I was ordered to not enter any real property depicted on Plat 10955 recorded among the Plat records of Washington County, Maryland.
9. Plat 10955 depicts real property owned by Uncle Eddies Brokedown Palace LLC. I enjoy a bare license to use this real property at my leisure. The property is also improved by two (2) residence that I manage.

10. Upon discovery that the Michael/Morral E-mails did, in fact exist, I appealed my earlier "Alford" plea bargain. Nine (9) months later, Assistant State's Attorney Kenneth J. Shapiro, Esq. dismissed the charge.
11. For a period of at least nine (9) months, my liberty to enter, use, and enjoy the real property depicted on Plat 10955 was seized, my ability to manage the two (2) residences on Plat 10955 was compromised, and my reputation was damaged by having an "Alford" plea entered in the public record.
12. Had I been provided the Michael/Morral E-mails in response to my no less than three (3) Maryland Public Information requests for the same, I would not have entered into the "Alford" plea.
13. I have incurred actual damages in excess of $25,000 (exclusive of the significant and unnecessary attorneys' fees and costs I have incurred in pursuit of justice in this matter).

I hereby declare or affirm under the penalties of perjury and personal knowledge that the facts set forth above are true and correct.

Justin K. Holder[1]

[1] "Signer's digital signature [affixed] to the document." *See* Rule 20-107.

E-FILED; Washington Circuit Court
Docket: 8/30/2024 4:57 PM; Submission: 8/30/2024 4:57 PM
Envelope: 17848302

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER	*	
	*	
Plaintiff/Appellant	*	
	*	
v.	*	
	*	**Case No. C-21-CV-21-000097**
BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY, *et al.*,	*	
	*	
Defendants/Appellees	*	
	*	

****

NOTICE OF APPEAL

Pursuant to Md. Rule 8-202, Plaintiff/Appellant Justin Kyle Holder ("Mr. Holder") by and through undersigned counsel, respectfully files this notice an appeal of the Honorable Judge Richard E. Jordan's Order(s) entered in the above captioned action on: (1) April 15, 2024, denying Mr. Holder's claims and entering judgment in favor of Defendants, and (2) August 1, 2024, denying Mr. Holder's Motion to Alter or Amend the Memorandum Opinion, Order and Judgment entered by the trial court on April 15, 2024. These Orders are attached hereto as Exhibits 1 and 2, respectively. In accordance with Md. Rules 8-205 and 8-206, the Civil Information Report to the Appellate Court of Maryland is attached hereto as Exhibit 3.

Respectfully submitted,

/s/

Jacob I. Weddle, Esq. (CP #0712120390)
Remus, Weddle, & Cavenee, LLC
18 W. Church Street, Second Floor
Frederick, Maryland 21701
(301) 206-5770
jweddle@rwclawyers.com
Counsel for Plaintiff/Appellant Justin Kyle Holder

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 30, 2024, a copy of the foregoing Notice of Appeal, including the Exhibits thereto, were served via MDEC upon:

Kevin Karpinski, Esq.
120 East Baltimore Street, Suite 1850
Baltimore, Maryland 21202-1617
(410) 727-5000
Kevin@bkcklaw.com
Counsel for Defendants/Appellees

/s/
Jacob I. Weddle, Esq. (CP #0712120390)
Counsel for Plaintiff Justin Kyle Holder

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

In the Matter of Justin Holder § Location: **Washington Circuit Court**
§ Filed on: **03/15/2021**
§
§

CASE INFORMATION

Related Cases
ACM-REG-1325-2024 (Case Appealed)

Case Type: **Public Information Act Record**

Case Status: **08/30/2024 Appealed**

DATE	CASE ASSIGNMENT

Current Case Assignment

Case Number	C-21-CV-21-000097
Court	Washington Circuit Court
Date Assigned	03/15/2021

PARTY INFORMATION

		Attorneys
Petitioner	**Holder, Justin Kyle** *308 West Chapline Street* *Sharpsburg, MD 21782*	
Respondent	**Bright, B. Andrew, Esquire** *100 West Washington Street* *Hagerstown, MD 21740*	
	Downey, Kirk C., Esquire	
	Washington County Board of County Commissioners *100 West Washington Street* *Hagerstown, MD 21740*	

DATE	EVENTS & ORDERS OF THE COURT	INDEX
03/15/2021	Case Information Report Filed *Civil - Non-Domestic* Filed by: Attorney WEDDLE, JACOB IRA	
03/15/2021	Complaint / Petition Filed by: Petitioner Holder, Justin Kyle Against: Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire	
03/16/2021	Summons Issued (Service Event) Requested by: Petitioner Holder, Justin Kyle Service for: Respondent Washington County Board of County Commissioners	
03/16/2021	**Summons Issued** Washington County Board of County Commissioners Served: 04/07/2021	
03/16/2021	Summons Issued (Service Event) Requested by: Petitioner Holder, Justin Kyle Service for: Respondent Downey, Kirk C., Esquire	

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

03/16/2021	**Summons Issued** Downey, Kirk C., Esquire Served: 04/07/2021
03/16/2021	Summons Issued (Service Event) Requested by: Petitioner Holder, Justin Kyle Service for: Respondent Bright, B. Andrew, Esquire
03/16/2021	**Summons Issued** Bright, B. Andrew, Esquire Served: 04/07/2021
03/16/2021	Writ /Summons/Pleading - Electronic Service *Writ of Summons - Washinton Co. Commissioners* Sent to:: Attorney WEDDLE, JACOB IRA
03/16/2021	Writ /Summons/Pleading - Electronic Service *Writ of Summons - Downey* Sent to:: Attorney WEDDLE, JACOB IRA
03/16/2021	Writ /Summons/Pleading - Electronic Service *Writ of Summons - Bright* Sent to:: Attorney WEDDLE, JACOB IRA
04/14/2021	Return of Service - Served Date Served: 04/07/2021
04/14/2021	Return of Service - Served Date Served: 04/07/2021
04/14/2021	Return of Service - Served Date Served: 04/07/2021
04/29/2021	Notice of Discovery *Notice of Service of Discovery Materials* Filed by: Attorney WEDDLE, JACOB IRA
05/03/2021	Motion for Summary Judgment *Motion to Dismiss or Summary Judgment* Filed by: Respondent Washington County Board of County Commissioners
05/03/2021	Memorandum *In Support of Motion to Dismiss and/or Summary Judgment* Filed by: Respondent Washington County Board of County Commissioners
05/03/2021	Supporting Exhibit *A to Motion to Dismiss or Summary Judgment*
05/03/2021	Supporting Exhibit *B to Motion to Dismiss or Summary Judgment*
05/13/2021	Motion/Request for Protective Order Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

	Commissioners
05/18/2021	Deficient Filing **Corrected on 5/20/2021* *Memorandum of Law in Opposition to Defendants Motion to Dismiss or, in the Alternative, For Summary Judgment*
05/18/2021	Supporting Exhibit *Exhibit A*
05/20/2021	Notice of Deficiency - Rule 20-203(d)
05/20/2021	Opposition *Memorandum of Law in Opposition to Motion to Dismss or, In The Alternative, for Summary Judgment* Filed by:: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
05/20/2021	Supporting Exhibit *Exhibit A*
05/25/2021	Motion *to Extend Time to File Their Motion to Dismiss or, In the Alternative, Summary Judgment* Filed by: Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
05/25/2021	Motion / Request - To Dismiss *or In The Alternative, For Summary Judgment - Denied* Filed by: Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
05/26/2021	Writ /Summons/Pleading - Electronic Service *Hearing Notice*
05/28/2021	Deficient Filing *Opposition to Defendants Motion for Protective Order*
06/02/2021	Writ /Summons/Pleading - Electronic Service *Hearing Notice*
06/04/2021	Notice of Deficiency - Rule 20-203(d)
06/04/2021	Opposition *CORRECTED - Opposition to Defendant's Motion for Protective Order* Filed by:: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
06/09/2021	Order (Judicial Officer: Wilson, Brett Robert)
06/09/2021	Writ /Summons/Pleading - Electronic Service *Order*
06/15/2021	Reply to Opposition *Defendants' Reply to Plaintiff's Opposition to Defendants' Motion for Protective Order* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

06/28/2021	Protective Order (Judicial Officer: Wright, Dana Moylan)
06/28/2021	Writ /Summons/Pleading - Electronic Service *Protective Order*
07/16/2021	Reply to Opposition *DEFENDANTS REPLY TO PLAINTIFF S OPPOSITION TO DEFENDANTS MOTIONS TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
07/19/2021	Motion *to Strike Affidavit Under Rule 20-107(D)(1) - Granted* Filed by: Petitioner Holder, Justin Kyle
07/20/2021	Response/Reply *Surreply to Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment* Filed By: Petitioner Holder, Justin Kyle
07/20/2021	Supporting Exhibit *Exhibit A*
07/20/2021	Supporting Document *Exhibit 1 to Surreply's* Filer: Petitioner Holder, Justin Kyle
07/20/2021	Line *Line regarding Affidavit of Joseph Michael, Esquire*
07/20/2021	Supporting Exhibit *Exhibit A re Line regarding Affidavit of Joseph Michael, Esquire*
07/21/2021	**Hearing - Motion** (9:30 AM) (Judicial Officer: Boyer, Mark Kenneth ;Location: Courtroom 2) *1/2 day. - motions* *Concluded / Held*
07/21/2021	Hearing Sheet (Judicial Officer: Boyer, Mark Kenneth)
07/21/2021	Order (Judicial Officer: Boyer, Mark Kenneth) *cc: parties*
07/21/2021	Order (Judicial Officer: Boyer, Mark Kenneth) *Motion to Dismiss and/or Summary Judgment is Denied*
07/21/2021	Line *Re: Affidavit of Joseph Michael, Esquire (corrected)* Filed by: Attorney Karpinski, Kevin; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
07/21/2021	Supporting Exhibit *CORRECTED Affidavit (Exhibit B) - Stricken*

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

07/21/2021	Writ /Summons/Pleading - Electronic Service *Order - Affidavit* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin
07/21/2021	Writ /Summons/Pleading - Electronic Service *Order - Motion to Dismiss* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin
08/02/2021	Motion *to Extend The Court's June 25, 2021 Protective Order - Granted* Filed by: Respondent Washington County Board of County Commissioners
08/02/2021	Motion *to Alter or Amend the Court's Order July 21, 2021 Denying the County's Motion for Summary Judgment* Filed by: Respondent Washington County Board of County Commissioners
08/02/2021	Supporting Exhibit *A to Motion to Alter or Amend the Order Denying County's Motion for Summary Judgment*
08/02/2021	Supporting Exhibit *B to Motion to Alter or Amend Order Denying the County's Motion for Summary Judgment*
08/02/2021	Motion *Motion to Alter or Amend the Court's July 21, 2021 Order Granting Motion to Strike* Filed by: Respondent Washington County Board of County Commissioners
08/17/2021	Opposition *to Defendants' Motion to Alter or Amend the Court's July 21 Order Denying the County's Motion for Summary Judgment* Filed by:: Petitioner Holder, Justin Kyle
08/17/2021	Order (Judicial Officer: Boyer, Mark Kenneth)
08/17/2021	Opposition *to Defendants' Motion to Extend the Court's June 25, 2021 Protective Order* Filed by:: Petitioner Holder, Justin Kyle
08/17/2021	Opposition *to Defendants' Motion to Alter or Amend the Court's July 21 Order Granting Plaintiff's Motion to Strike* Filed by:: Petitioner Holder, Justin Kyle
08/17/2021	Supporting Exhibit *Exhibit 1*
08/17/2021	Supporting Exhibit *Exhibit 2*
08/17/2021	Supporting Exhibit *Exhibit 3*

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

08/31/2021	Order (Judicial Officer: Wright, Dana Moylan) *cc: parties*
08/31/2021	Order (Judicial Officer: Boyer, Mark Kenneth)
08/31/2021	Writ /Summons/Pleading - Electronic Service *Order re: Protective Order* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin
08/31/2021	Writ /Summons/Pleading - Electronic Service *Order* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin; Attorney Parkins, Jason Charles
08/31/2021	Writ /Summons/Pleading - Electronic Service *Order*
09/15/2021	Answer *to Complaint* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
09/22/2021	Writ /Summons/Pleading - Electronic Service *Scheduling Order - 97*
12/06/2021	Notice of Service *Interrogatories* Party: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
01/07/2022	**Conference - Scheduling** (2:30 PM) (Judicial Officer: Wilson, Brett Robert)
01/10/2022	Scheduling Order (Judicial Officer: Wilson, Brett Robert) *cc:parties & ao*
01/10/2022	Writ /Summons/Pleading - Electronic Service *Scheduling Order* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin; Attorney Parkins, Jason Charles
01/11/2022	Amended Scheduling Order
01/11/2022	Writ /Summons/Pleading - Electronic Service *Amended Scheduling Order - 97* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin; Attorney Parkins, Jason Charles
03/01/2022	Motion / Request - To Dismiss *Renewed or in the Alternative for Summary Judgment* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
03/01/2022	Memorandum

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

03/01/2022	Supporting Exhibit *A - Affidavit Andrew Bright*
03/01/2022	Supporting Exhibit *B - Affidavit Joseph Michael*
03/01/2022	Supporting Exhibit *C - Affidavit Jason Parkins*
03/14/2022	Motion for Sanctions *BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY, KIRK DOWNEY AND B. ANDREW BRIGHT, OR ALTERNATIVELY MOTION TO COMPEL* Party: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
03/14/2022	Supporting Exhibit *A - Interrogatories*
03/16/2022	Opposition *Memorandum of Law in Opposition to Renewed Motion to Dismiss, or in the alternative, Motion for Summary Judgment* Filed by:: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
03/16/2022	Supporting Exhibit *Exhibit 1: Affidavit of Justin Holder*
03/29/2022	Stricken Filing *NOS re Answers to Interrogatories*
03/29/2022	Opposition *to Motion for Immediate Sanctions, or alternatively, Motion to Compel* Filed by:: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
03/30/2022	Notice of Striking Non-Compliant Submission
03/30/2022	Writ /Summons/Pleading - Electronic Service *Notice of Striking - 97* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin; Attorney Parkins, Jason Charles
03/30/2022	Notice of Service *Answers to Interrogatories* Party: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
04/06/2022	Response/Reply *DEFENDANTS REPLY TO PLAINTIFF S OPPOSITION TO DEFENDANTS RENEWED MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT* Filed By: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

07/10/2022	Notice of Service *Notice of Deposition* Party: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
07/12/2022	Motion/Request for Protective Order *Motion to Quash Subpoenas and Motion for a Protective Order* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
07/12/2022	Supporting Exhibit *1 - Notice of Depo*
07/12/2022	Motion - Shorten Time *to Respond to Motion to Quash Subpoenas and Notices for Depo* Party: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
07/13/2022	Notice of Service *Notice of Deposition* Party: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
07/14/2022	Return/Affidavit of Served Subpoena *Judge Joseph Michael*
07/14/2022	Return/Affidavit of Served Subpoena *Joshua O'Neal*
07/18/2022	Order (Judicial Officer: Boyer, Mark Kenneth)
07/18/2022	Writ /Summons/Pleading - Electronic Service *Order - 97* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin; Attorney Parkins, Jason Charles
07/19/2022	Motion *Emergency Motion to clarify Courts July 18th Order to Stay Depositions* Filed by: Attorney Karpinski, Kevin; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
07/19/2022	Opposition *to Emergency Motion to Clariy July 18th, 2022 Order* Filed by:: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
07/19/2022	Supporting Exhibit *Exhibit 1 -- July 6, 2022 E-Mail from J. Weddle to K. Karpinski*
07/19/2022	Supporting Exhibit *Exhibit 2 -- July 10, 2022 E-mail from K. Karpinski to J. Weddle*
07/20/2022	Order (Judicial Officer: Boyer, Mark Kenneth) *Eserved Counsel* *Motion to Quash Subpoena - Granted*

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

07/20/2022	Writ /Summons/Pleading - Electronic Service *Motion to Quash Order - Granted - Eserved Jacob Weddle, Esq., Kevin Karpinski, Esq.*
07/20/2022	Writ /Summons/Pleading - Electronic Service *Motion to Quash Order - Granted*
07/21/2022	Order (Judicial Officer: Wilson, Brett Robert) *Jacob Weddle, Esq., & Kevin Karpinski, Esq. Eserved*
07/21/2022	Writ /Summons/Pleading - Electronic Service *Emergency Status Order - Eserved Jacob Weddle, Esq., & Kevin Karpinski, Esq.*
07/22/2022	Writ /Summons/Pleading - Electronic Service *Hearing Notice*
07/22/2022	Writ/Summons/Pleading - Confidential Electronic Service *Remote Hearing Notice Eserved Jacob Weddle, Esq., Kevin Karpinski, Esq*
07/25/2022	Opposition *to Defendants Motion to Quash Subpoenas and Notices of Depositions and Motion for Protective Order* Filed by:: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
07/25/2022	Supporting Exhibit *1 - Interrogatories*
07/25/2022	Supporting Exhibit *2 - Email 7/6/2022*
07/25/2022	Supporting Exhibit *3 - Email 7/10/2022*
07/25/2022	Supporting Exhibit *4 - Email 7/10/2022*
07/25/2022	Supporting Exhibit *5 - Email 7/18/2022*
07/25/2022	Supporting Exhibit *6 - Answers to Interrogatories*
07/27/2022	**Hearing - Motion** (10:30 AM) (Judicial Officer: Wilson, Brett Robert ;Location: Courtroom 3) *1 hr.- motions* *Concluded / Held*
07/27/2022	Hearing Sheet (Judicial Officer: Wilson, Brett Robert)
07/28/2022	Order (Judicial Officer: Wilson, Brett Robert) *Granted*
07/28/2022	Writ /Summons/Pleading - Electronic Service

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

	Order - 97 Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin; Attorney Parkins, Jason Charles
08/01/2022	Complaint - Amended Filed by: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
08/01/2022	Supporting Exhibit *1 - Redline Version*
08/16/2022	Motion *Motion to Clarify the Court's July 28, 2022 Order* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
08/18/2022	Motion *to Extend time to file and Answer or responsive motion to the Amended Complaint* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
08/19/2022	Response/Reply *to Defendants' Motion to Extend Time to File Response to Plaintiff's First Amended Complaint* Filed By: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
08/19/2022	Motion *to Strike the Amended Complaint, Motion to Dismiss the Amended Complaint or, in the alternative, Motion for Summary Judgment* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
08/19/2022	Memorandum *Memorandum in Support of MOTION TO STRIKE THE AMENDED COMPLAINT, MOTION TO DISMISS THE AMENDED COMPLAINT OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT*
08/19/2022	Supporting Exhibit *A - Affidavit*
08/19/2022	Supporting Exhibit *B - Affidavit*
08/19/2022	Supporting Exhibit *C - Affidavit*
08/19/2022	Supporting Exhibit *D - Email 06/24/2020*
08/22/2022	Order (Judicial Officer: Wilson, Brett Robert) *Granted*
08/22/2022	Writ /Summons/Pleading - Electronic Service *Order - 97*

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

	Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin
08/29/2022	Order (Judicial Officer: Wilson, Brett Robert) *Denied*
08/29/2022	Writ /Summons/Pleading - Electronic Service *Order - 97* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin; Attorney Parkins, Jason Charles
08/29/2022	Opposition *to Motion to Clarify* Filed by:: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
09/06/2022	Opposition *Memorandum of Law in Opposition to Motion to Strike* Filed by:: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
09/06/2022	Supporting Exhibit *Exhibit 1*
09/06/2022	Supporting Exhibit *Exhibit 2*
09/06/2022	Supporting Exhibit *Exhibit 3*
09/12/2022	Order (Judicial Officer: Wilson, Brett Robert) *Denying Motion to Clarify*
09/12/2022	Writ /Summons/Pleading - Electronic Service *Order; Eserved Counsel* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin
09/15/2022	Notice of Service *Notice of Deposition* Party: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
09/20/2022	Order (Judicial Officer: Long, M. Kenneth, Jr.) *Denied*
09/20/2022	Writ /Summons/Pleading - Electronic Service *Order - 97* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin; Attorney Parkins, Jason Charles
09/23/2022	Pre-Trial/Hearing Statement *DEFENDANTS PRE-TRIAL STATEMENT*
09/23/2022	Pre-Trial/Hearing Statement *Plaintiffs Pre-Trial Statement*
09/30/2022	**Conference - Pre-Trial** (1:30 PM) (Judicial Officer: Long, M. Kenneth,

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

	Jr. ;Location: JURY ROOM 5)
10/05/2022	Answer *to Amended Complaint* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
10/13/2022	Consent Motion *to Continue Trial* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
10/20/2022	Request for Trial *DEMAND FOR JURY TRIAL* Filed by: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
10/24/2022	Order (Judicial Officer: Wilson, Brett Robert) *Granted*
10/27/2022	*CANCELED* **Trial - Court** (9:30 AM) (Judicial Officer: Long, M. Kenneth, Jr. ;Location: Courtroom 2) *Postponed/Reset*
10/31/2022	Writ /Summons/Pleading - Electronic Service *Notice of Scheduling Conference 1 - 97*
10/31/2022	Writ /Summons/Pleading - Electronic Service *Notice of Scheduling Conference 2 - 97*
10/31/2022	Writ /Summons/Pleading - Electronic Service *Notice of Scheduling Conference 3 - 97*
01/20/2023	**Conference - Scheduling** (10:00 AM) (Judicial Officer: Wilson, Brett Robert)
01/24/2023	Scheduling Order (Judicial Officer: Wilson, Brett Robert)
01/24/2023	Writ /Summons/Pleading - Electronic Service *Scheduling Order - 97* Sent to:: Attorney WEDDLE, JACOB IRA; Attorney Karpinski, Kevin; Attorney Parkins, Jason Charles
05/19/2023	Motion *to Strike Plaintiffs Demand for Jury Trial* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners
06/05/2023	Opposition *PLAINTIFF JUSTIN HOLDERS OPPOSITION TO DEFENDANTS MOTION TO STRIKE PLAINTIFFS DEMAND FOR JURY TRIAL* Filed by:: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
06/05/2023	Supporting Exhibit *Exhibit 1*

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

06/23/2023	Reply to Opposition *REPLY TO PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO STRIKE PLAINTIFFS DEMAND FOR JURY TRIAL* Filed by: Attorney Parkins, Jason Charles; Respondent Washington County Board of County Commissioners
08/30/2023	**Hearing - Motion** (1:30 PM) (Judicial Officer: Jordan, Richard E. ;Location: Courtroom 2) *1/2 day - Motions/Motion to Strike* *Concluded / Held*
08/30/2023	Hearing Sheet (Judicial Officer: Jordan, Richard E.) *Parties/counsel appear. Argument. Court rules. Order to issue*
09/15/2023	Return of Service - Served *Affidavit of Service*
09/21/2023	Line *Striking Appearance* Filed by: Attorney Karpinski, Kevin
10/10/2023	Affidavit *Subpoena served on Judge Michael 10/10/27*
10/16/2023	*CANCELED* **Trial - Jury** (9:30 AM) *Cancelled/Vacated*
10/16/2023	Memorandum *MEMORANDUM OF LAW REGARDING DAMAGES AND COSTS UNDER THE MARYLAND PUBLIC INFORMATION ACT* Filed by: Attorney Karpinski, Kevin
10/17/2023	**Trial - Court** (9:30 AM) (Judicial Officer: Jordan, Richard E. ;Location: Courtroom 7) *Postponed*
10/17/2023	Return of Service - Served *Affidavit of Service to be served on Tally H-S Kovacs, Esq.*
10/18/2023	**Trial - Court** (9:00 AM) (Judicial Officer: Jordan, Richard E. ;Location: Courtroom 7) *Continued*
10/18/2023	Hearing Sheet (Judicial Officer: Jordan, Richard E.) *Hearing not held*
10/18/2023	Hearing Sheet (Judicial Officer: Jordan, Richard E.)
10/23/2023	**Trial - Court** (9:30 AM) (Judicial Officer: Jordan, Richard E. ;Location: Courtroom 7) *Day 2 - Court trial* *Continued*
10/23/2023	Hearing Sheet (Judicial Officer: Jordan, Richard E.) *Trial resumes. Testimony. Court in recess*
10/24/2023	**Trial - Court** (9:30 AM) (Judicial Officer: Jordan, Richard E. ;Location: Courtroom 7)

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

10/24/2023	Hearing Sheet (Judicial Officer: Jordan, Richard E.)
10/24/2023	Memorandum *PLAINTIFF JUSTIN KYLE HOLDERS MEMORANDUM OF LAW REGARDING THE MARYLAND PUBLIC INFORMATION ACT* Filed by: Attorney WEDDLE, JACOB IRA
10/25/2023	**Trial - Court** (9:30 AM) (Judicial Officer: Jordan, Richard E. ;Location: Courtroom 7)
10/25/2023	Hearing Sheet (Judicial Officer: Jordan, Richard E.)
10/26/2023	Writ /Summons/Pleading - Electronic Service *Hearing Notice*
11/17/2023	**Hearing** (1:30 PM) (Judicial Officer: Jordan, Richard E. ;Location: Courtroom 7) *Bench Opinion* *All Parties Failed to Appear*
11/17/2023	Hearing Sheet
11/29/2023	Line *LINE REQUESTING HEARING* Filed by: Attorney WEDDLE, JACOB IRA
12/08/2023	*CANCELED* **Hearing** (1:30 PM) (Judicial Officer: Jordan, Richard E. ;Location: Courtroom 7) *Bench Opinion* *Postponed/Reset*
12/28/2023	Writ /Summons/Pleading - Electronic Service *Hearing Notice*
01/25/2024	**Hearing** (1:30 PM) (Judicial Officer: Jordan, Richard E. ;Location: Courtroom 2) *Bench Opinion*
01/25/2024	Hearing Sheet (Judicial Officer: Jordan, Richard E.) *Parties appeared for Bench Opinion - Court Rules*
01/25/2024	Exhibits / Records Returned
04/15/2024	Order (Judicial Officer: Jordan, Richard E.) *Memorandum Opinion and Judgment, CC:parties*
04/15/2024	Writ /Summons/Pleading - Electronic Service *Order; C21CV2197*
04/25/2024	Motion to Alter / Amend Judgment *TO ALTER OR AMEND THE MEMORANDUM OPINION, ORDER AND JUDGMENT ENTERED BY THIS COURT ON APRIL 15, 2024* Filed by: Attorney WEDDLE, JACOB IRA; Petitioner Holder, Justin Kyle
04/25/2024	Supporting Exhibit

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

CASE NO. C-21-CV-21-000097

	1 - Transcript of 01.25.2024 Bench Opinion
04/25/2024	Supporting Exhibit *2 - Transcript from 10.25.2023 trial*
05/08/2024	Consent Motion *for extension of time* Filed by: Attorney Karpinski, Kevin; Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
05/09/2024	Order (Judicial Officer: MICHAEL, JOSEPH) *Granted*
05/09/2024	Writ /Summons/Pleading - Electronic Service *Order - 97*
05/23/2024	Attorney Appearance - No Fee Counsel: Attorney Karpinski, John For: Respondent Washington County Board of County Commissioners; Respondent Downey, Kirk C., Esquire; Respondent Bright, B. Andrew, Esquire
05/24/2024	Opposition *Response in Opposition to Complainant's Motion to Alter or Amend Judgment* Filed by:: Respondent Washington County Board of County Commissioners
08/01/2024	Order (Judicial Officer: Jordan, Richard E.) *Denied*
08/01/2024	Writ /Summons/Pleading - Electronic Service *Order - 97*
08/30/2024	Notice of Appeal to ACM *NOTICE OF APPEAL* Filed by: Petitioner Holder, Justin Kyle
08/30/2024	Supporting Exhibit *1: Order Dated April 15, 2024*
08/30/2024	Supporting Exhibit *2: Order dated August 1, 2024*
08/30/2024	Supporting Exhibit *3: Civil Information Report*
09/06/2024	Transcript *Oct 23, 2023*
09/06/2024	Transcript *Oct 24, 2023*
09/06/2024	Transcript *Oct 25, 2023*

CIRCUIT COURT FOR WASHINGTON COUNTY, MD

CASE SUMMARY

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09/06/2024	Transcript *Jan 25, 2023 - Bench Opinion*
09/06/2024	Transcript Cost Sheet
09/09/2024	Transcript *10/18/2023*
09/09/2024	Transcript Cost Sheet *10/18/2023*
09/30/2024	Order to Proceed

TARGET DATE	TIME STANDARDS

Monitored Deadlines
Time to Disposition Deadlines

DATE	FINANCIAL INFORMATION	
	Petitioner Holder, Justin Kyle	
	Total Charges	296.00
	Total Payments and Credits	296.00
	Balance Due as of 11/26/2024	**0.00**